PROCEEDINGS

OF THE

TRAVANCORE SRI MULAM ASSEMBLY.

(OFFICIAL REPORT)

SECOND ASSEMBLY.

TENTH SESSION.

Thursday, the 4th December 1941/19th Vrischikam 1117.

Vol. XIX—No. 1.

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(OFFICIAL REPORT)

Thursday, the 4th December 1941/19th Vrischigom 1117.

The Assembly met in the Legislative Chamber, Public Offices, at 11 A. M. on Thursday the 4th December 1941, Sachivottama Sir C. P. Ramaswami Aiyar, K. C. S. I., K. C. I. E., LL. D., Dewan presiding.

NEW MEMBERS.

The following members took the oath and signed the rolls:—

Rajyasevapravina Khan Bahadur G. S. Abdul Karim Sahib Suhrawardy (*Inspector-General of Police*);

Mr. I. C. Chacko (*Executive Engineer in charge of the duties of the Chief Engineer*);

Mr. A. Gopala Menon (*Director of Public Instruction*);

Mr. Puthupalli S. Krishna Pillai (*Legal Remembrancer to Government*);

Mr. K. Kunjan Pillai (*Ag. Secretary to Government*);

Mr. A. Lakshminarayana Aiyar (*Financial Secretary to Government*);

Mr. K. R. Narayana Aiyar (*Director of Agriculture*);

Mr. P. G. Narayanan Unnithan (*Excise Commissioner*);

Rajyasevapravina G. Parameswaran Pillai (*Ag. Chief Secretary to Government*); and

Vaidyasastrakusala Dr. (Mrs.) M. Poonen Lukose (*Surgeon-General*).

QUESTIONS AND ANSWERS.

Paddy Farm at Thirupathisaram and the Fruit Farm at the Cape.

1. *MR. K. P. KOCHUKORA THARAKAN (*Kunnatnad cum Parur*): Will the Government be pleased to lay on the table a statement showing the income and expenditure, under separate items, during 1116 in respect of the Paddy Farm at Thirupathisaram and the Fruit Farm at the Cape conducted by the Agricultural Department?

G. P. T. 1624. 250. 23-7-1117.

MR. K.R. NARAYANA AIYAR (*Director of Agriculture*): A *statement is laid on the table.

Grafts nursed during 1116 in the Fruit Farm at the Cape.

2. ***MR. K. P. KOCHUKORA THARAKAN**: Will the Government be pleased to lay on the table a statement showing :—

(*a*) the number of grafts nursed during 1116 in the Fruit Farm at the Cape conducted by the Agricultural Department and the species to which they belong ; and

(*b*) the names of the Agricultural Divisions to which such grafts were sent, the number sent to each Division, the names of the Divisions in which the grafts so sent remained unsold at the end of 1116, the number which remained unsold in each Division, the prices at which they were sold in each Division and the total amount realised by such sales ?

MR. K. R. NARAYANA AIYAR The †statements are laid on the table.

Diet of in-patients in hospitals.

3. ***MR. KOTTALIL P. ABRAHAM**: (*Muvattupuzha cum Devicolam*) : Will the Government be pleased to state :

(*a*) whether in distributing or sanctioning amounts for the diet of the in-patients in the several hospitals and dispensaries in the State they reckon the probable number of in-patients in each hospital or dispensary ;

(*b*) the average amount sanctioned per day for an in-patient, (the average being taken for the last one month) ; and

(*c*) the following particulars in the form of a list, namely, the number of in-patients in, and the amount of diet money allowed to each of the hospitals or dispensaries at Nagercoil, Quilon, Alleppey, Kottayam, Muvattupuzha, Alwaye, Perumbavoor and Parur during the year 1116 ?

VAIDYASASTRAKUSALA DR. (MRS.) M. POONEN LUKOSE: (*Surgeon-General*) : (*a*) Yes. Certain amounts are sanctioned to hospitals for diet of in-patients in proportion to the number of patients treated. Additional funds are granted for diet according to the requisitions received from the Medical Officers.

(*b*) The average approximate cost of dieting a patient is five chuckrams per day.

(*c*) The ‡ list is laid on the table.

MR. K. P. KOCHUKORA THARAKAN: മൂവാററുപുഴ, ആലുവാ മുതലായ സ്ഥലങ്ങളിലുള്ള ആശുപത്രികളിൽ ഡയററിനുള്ള ചിലവു വളരെ കുറഞ്ഞുകാണുന്നു. അതു് പേഷ്യൻറ്സ് ഇല്ലാത്തതുകൊണ്ടാണോ അതല്ല ഡയററു് കൊടുക്കാത്തതുകൊണ്ടാണോ?

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* *Vide* Appendix I, page 12.
† *Vide* Appendix II, pages 13 and 14.
‡ *Vide* Appendix III, page 15.

VAIDYASASTRAKUSALA DR. (MRS.) M. POONEN LUKOSE : പേഷ്യൻറ്സ് കുറവുള്ളതുകൊണ്ടല്ല. ചില രോഗികൾ ആഹാരം തന്നത്താനെ കൊണ്ടുവരുന്നുണ്ട്. പണത്തിൻെറ കുറവുകൊണ്ട് ആവശ്യമുള്ളവക്കു പലപ്പോഴും ഡയറ്റു കൊടുക്കാൻ സാധിക്കുന്നില്ല. ഈ കാരണം കൊണ്ടാണ് ഡയറ്റിനുള്ള ചിലവു കുറഞ്ഞുകാണുന്നത്.

MR. PADIYARA JOSEPH KUNJU (*Changanacherry cum Peermade*): ൧൭൭൪ രോഗികളുള്ള നാഗർകോവിൽ ആശുപത്രിയിൽ ൬൭൦ രൂപ ചിലവാക്കിയിരിക്കെ കൊല്ലം ആശുപത്രിയിൽ അയ്യായിരത്തിൽ ചില്വാനം രൂപ ചിലവാക്കാൻ വല്ലപ്രത്യേകകാരണവുമുണ്ടോ?

VAIDYASASTRAKUSALA DR. (MRS.) M. POONEN LUKOSE : അതിനു പ്രത്യേക കാരണമൊന്നുമില്ല.

Trespassers on Government lands.

4. ***MR. KOTTALIL P. ABRAHAM** : Will the Government be pleased to lay on the table the circulars or orders, if any, recently issued for the eviction of trespassers who have encroached on Government Puduvals or Porambokes?

MR. K. KUNJAN PILLAI (*Ag. Secretary to Government*) : *Copies of Government circulars D. Dis. No. 31/41/Rev., dated 11-1-1941 and D. Dis. No. 593/41/Rev. dated 19-4-1941 on the subject are placed on the table.

Encroachments on Government lands.

5. ***MR. KOTTALIL P. ABRAHAM** : Will the Government be pleased to state:

(*a*) whether they have recently issued any circulars or orders relating to the eviction of trespassers from their encroachments on Government lands; and

(*b*) whether they make any exception in the case of encroachments for agricultural purposes?

MR. K. KUNJAN PILLAI : (*a*) Yes; the two †circulars D. Dis. No. 31/41 Rev., dated 11-1-1941 and D. Dis. No. 593/41 Rev., dated 19-4-41 are laid on the table.

(*b*) No.

MR. K. P. KOCHUKORA THARAKAN : കൃഷിക്കു ചിറയിടുന്നതിനായി സക്കാർ ഭൂമിയിൽ പ്രവേശിച്ചാൽ അതു് എൻക്രോച്ച്മെൻറായി കരുതി കേസെടുത്തു ശിക്ഷിക്കുന്നുണ്ടോ?

**Vide* Appendix IV (a) and (b), pages 16 and 17.

† *Vide* Appendix IV (a) and (b), pages 16 and 17

MR. K. KUNJAN PILLAI: ഗവമ്മെൻറുഭൂമിയിൽ എവിടെ പ്രവേശിച്ചാലും കേസെടുത്തു ശിക്ഷിക്കുന്നതാണ്.

MR. K. P. KOCHUKORA THAKAKAN: പല നാളായി പുറമ്പോക്കുഭൂമിയിൽ പ്രവേശിച്ചു ചിറയിട്ടു കൃഷി നടത്തിക്കൊണ്ടിരുന്നു. ഈ പുതിയ ഓർഡർ വന്നതിനുശേഷം ചിറയിടാൻ നിവൃത്തിയില്ലാതെ കൃഷിയ്ക്കു ദോഷം വരുന്നുണ്ടെന്നു ഗവമ്മെൻറിനറിയാമോ?

MR. K. KUNJAN PILLAI: ഗവമ്മെൻറിനറിവില്ല.

MR. T. C. KESAVA PILLAI (*Kalkulam cum Vilavancode*): അനുവാദം വാങ്ങിച്ചുകൊണ്ടു കൃഷിക്കു ചിറയിടുകയാണെങ്കിൽ ഗവമ്മെൻറു കേസെടുത്തു ശിക്ഷിക്കുമോ?

MR. K. KUNJAN PILLAI: ഗവമ്മെൻറനുവാദത്തോടുകൂടി പ്രവേശിച്ചാൽ കേസെടുത്തു ശിക്ഷിക്കുകയില്ല.

MR. P. S. MUHAMED (*Quilon cum Kottarakara*): സ്വന്തഭൂമിയാണെന്നുള്ള വിശ്വാസത്തിന്മേൽ വലിയ കെട്ടിടങ്ങളും സ്ഥാപനങ്ങളും ഒക്കെ ഉണ്ടാക്കുകയും എന്നാൽ ഡിപ്പാർട്ടുമെൻറുകാരുടെ അളവിൻെറ വ്യത്യാസത്താൽ കുറെ സ്ഥലം പുറമ്പോക്കാകയും ചെയ്താൽ അങ്ങനെയുള്ള സ്ഥാപനങ്ങളെ നശിപ്പിക്കാതിരിക്കത്തക്കവണ്ണം വേണ്ട വ്യവസ്ഥചെയ്യാൻ ഗവമ്മെൻറിനു ദയവുണ്ടാകുമോ?

MR. K. KUNJAN PILLAI: ഓരോ കേസുകളും അതാതുകളുടെ മെരിററനുസരിച്ചാണു തീരുമാനിക്കുന്നതു്.

MR. PADIYARA JOSEPH KUNJU: ഇപ്പോഴും അങ്ങിനെയല്ലാ നടക്കുന്നതു് എന്നു ഗവമ്മെൻറു സമ്മതിക്കുമോ?

MR. K. KUNJAN PILLAI: അങ്ങിനെതന്നെയാണു നടക്കുന്നതു്.

Tuberculosis Hospital, Asaripallom.

6. *MR. K. NARAYANAPERUMAL NADAR (*Tovala cum Agastisvaram*): Will the Government be pleased to state the total number of in-patients and out-patients in the Tuberculosis Hospital, Asaripallom, from the date of the opening of the hospital to the end of Alpasi 1117?

VAIDYASASTRAKUSALA DR. (MRS.) M. POONEN LUKOSE: No patients were treated during the period. The buildings were only formally opened. The hospital cannot start work till the X-Ray apparatus arrives, and till staff quarters are constructed.

MR K. NARAYANAPERUMAL NADAR: May I know whether Government have ordered for an X-Ray apparatus?

VAIDYASASTRAKUSALA DR. (MRS.) M. POONEN LUKOSE: Yes, Sir.

Chambers of Commerce in Travancore.

7. *MR. KANNANTHODATH JANARDANAN NAIR (*Karunagapally cum Kartikapally*): Will the Government be pleased to state:

(*a*) the number and the names of Chambers of Commerce in Travancore;

(*b*) the respective years in which they were established; and

(*c*) how many of them are working properly?

MR. P. G. NARAYANAN UNNITHAN (*Excise Commissioner*): (*a*) Three, namely:—

1. The Travancore Chamber of Commerce, Alleppey.
2. The Alleppey Chamber of Commerce, Alleppey.
3. The South Travancore Chamber of Commerce, Nagercoil.

(*b*) (1) 1928 (2) 1929 (3) 1934.

(*c*) Government are not aware of the details of their working.

Irrigation works for Karunagapally and Kartikapally.

8. *MR. KANNANTHODATH JANARDANAN NAIR: Will the Government be pleased to state:

(*a*) the amounts allotted for irrigation works (major) for Karunagapally and Kartikapally in 1113, 1114 and 1115 M. E.; and

(*b*) the amounts spent for the purpose in those taluks in 1113, 1114 and 1115?

MR. I. C. CHACKO (*Executive Engineer in charge of the duties of the Chief Engineer*):

(*a*)	Karunagapally.	No amounts were allotted.
	Kartikapally.	Rs. 560, Rs. 390 and Rs. 390 respectively.
(*b*)	Karunagappally.	Nil.
	Kartikapally.	Rs. 467, Rs. 297 and Rs. 396 respectively.

Drainage Scheme at Trivandrum.

9. *MR. KANNANTHODATH JANARDANAN NAIR: Will the Government be pleased to state:

(*a*) when the drainage scheme (at Trivandrum) will come into operation;

(*b*) the amount of money spent for the scheme up-to-date; and

(*c*) what further amount is estimated to be spent to complete the scheme?

MR. I. C. CHACKO: (*a*) It cannot be definitely stated now, as there is difficulty in getting the machinery and materials required due to the present war conditions.

(*b*) Rs. 15,72,662—up to the end of Mithunam 1116.

(*c*) Rs. 7,00,000.

Working of the Debt Relief Act.

10. * **MR. G. VELU PILLAI** (*Karunagapally* cum *Kartikapally*): Will the Government be pleased to state:

(*a*) the total number of applications filed in the various civil courts in the State under Section 9 of the Debt Relief Act till 22nd Edavom 1116; and

(*b*) the total amount deposited as first instalment till 22nd Edavom 1116?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Legal Remembrancer to Government*): (*a*) 57,056.

(*b*) Rs. 15,02,845-13-9.

P. W. D. Sub-Division attached to the Kundara Ceramic Factory.

11. ***MR. KANNANTHODATH JANARDANAN NAIR**: Will the Government be pleased to state:

(*a*) the amount for which work was carried on by the P. W. D. Sub Division attached to the Kundara Ceramic Factory;

(*b*) the amount for which works are estimated to be done in 1116; and

(*c*) the total establishment charges (inclusive of the pay of the officers) estimated for that Sub Division for 1116?

MR. I. C CHACKO: (*a*) Rs. 31,969—to the end of 1116 M. E.

(*b*) Rs. 41,965.

(*c*) Rs. 2,537 on temporary establishment to the end of 1116 M. E.

Recovery of land tax.

12. ***MR. KANNANTHODATH JANARDANAN NAIR**: Will the Government be pleased to state:

(*a*) the number of demand notices issued in the Kottayam and Quilon Divisions in 1115 and till 30th Edavom 1116, for the recovery of land tax;

(*b*) the amount of process fee and demand notice fee collected during the same period in the same divisions; and

(*c*) the amount of tax intended to be collected or collected by such demand notices?

MR. K. KUNJAN PILLAI:

(*a*) *Kottayam Division.*

No. of demand notices issued in 1115	284459
Do. till 30-10-1116	303971

Quilon Division.

No. of demand notices issued in 1115	474024
Do. till 30-10-1116	495728

(b) *Kottayam Division.*

	Rs.	ch.	c.
Amount of process fee and demand notice fee collected in 1115.	27,734	23	0
Do. till 30-10-1116.	20,823	11	8
Quilon Division.			
Amount of process fee and demand notice fee collected in 1115.	38,811	26	0
Do. till 30-10-1116.	16,949	7	0

(c) *Kottayam Division.*

Amount of tax intended to be collected by such demand notices during 1115.	8,15,484	10	12
Do. till 30-10-1116	8,30,404	24	3
Quilon Division.			
Amount of tax collected by such demand notices during 1115.	10,93,021	0	0
Do. till 30-10-1116	9,69,884	0	0

Auction sales for the recovery of land tax.

13. *Mr. KANNANTHODATH JANARDANAN NAIR: Will the Government be pleased to state:

(a) the number of auction sales of movable properties held in 1115 and till 30th Edavom 1116 in the Quilon and Kottayam Divisions, for the recovery of land tax;

(b) the number of auction sales of immovable properties sold during the same period in the same divisions;

(c) the amount of tax intended to be collected by such sales; and

(d) the extent of land so sold in auction for the recovery of land tax?

Mr. K. KUNJAN PILLAI:

	Quilon Division.	*Kottayam Division.*
(a) 1115 M. E.	862	653
1116 (till 30-10-1116)	1173	514
(b) 1115 M. E.	10937	3400
1116 (till 30-10-1116)	7742	2353
(c) 1115 M. E.	172107	124830-14-2
1116 (till 30-10-1116)	126823	138357-20-5

	Acres.	*Cents.*	
(d) 1115—4974 acres 64 cents—	10490	72	(sale conducted.)
	712	65	(Do. confirmed.)
1116 (till 30-10-1116) 1315 acres 3 cents.	5539	8 3/4	(Sale conducted.)
	624	69 1/2	(Do. confirmed.)

Konni Agricultural Colony.

14. ***MR. KANNANTHODATH JANARDANAN NAIR:** Will the Government be pleased to state:

(*a*) the number of people and the extent of land assigned to each in the Konni Agricultural Colony;

(*b*) the amount of money advanced to them by Government up to date;

(*c*) the amount of money realised from them up to date; and

(*d*) whether the whole of the lands in the Colony is cultivated at present?

MR. K. R. NARAYANA AIYAR: (*a*) 24—ten acres each.

(*b*) Rs. 7,000—as agricultural loans.

(*c*) Rs. 177-15-7 towards principal and Rs. 553-14-4 towards interest.

(*d*) All the plots except three have been cultivated.

Agricultural schools at Kottarakara and Konni.

15. ***MR. KANNANTHODATH JANARDANAN NAIR:** Will the Government be pleased to state:

(*a*) the number of students in the Agricultural schools at Kottarakara and Konni;

(*b*) the subjects (theoretical and practical) taught in those schools; and

(*c*) the names and numbers of the appliances supplied to those schools for the use of the students?

MR. K. R. NARAYANA AIYAR: (*a*) 18 and 30 respectively.

(*b*) The courses of studies prescribed and the subjects taught are contained on pages 66 and 67 of the Agricultural and Fisheries Departmental sheet of the Government Gazette dated 26th February 1924 (Vol. LXI, No. 28)

(*c*) The question is too vague to admit of a definite answer. All the required appliances have been supplied and are being provided according to necessity.

P. W. D. budget for Vaikom and Parur.

16. ***MR. A. K. KUMARAN VAIDYAN** (*Kunnatnad* cum *Parur*): Will the Government be pleased to state:

(*a*) the amount sanctioned towards new works in the P. W. D. sections of Vaikom and Parur for the years 1110-1116;

(*b*) the amount spent on each work sanctioned;

(*c*) the amount if any, diverted to other heads within the same section; and

(*d*) the amount so diverted and the reasons therefor?

MR. I. C. CHACKO: (*a*) Rs. 1,12,847.

(*b*) A* statement containing the information is placed on the table.

(*c*) Rs. 3,100

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* *Vide* Appendix V, pages 18—27.

(*d*) Owing to want of sanction to estimates, delay in land acquisition etc.

Pension to retired officers residing outside Travancore.

17. *MR. G. VELU PILLAI. Will the Government be pleased to state the amount sent outside the State in 1115 and 1116 respectively by way of pension to officers who after retirement from Government service reside outside Travancore?

MR. A LEKSHMINARAYANA AIYAR (*Financial Secretary to Government*): The amounts paid during 1115 and 1116 through other Governments by way of pensions to pensioners of the State residing outside are given below;—

1115	Rs. 2,01,799
1116	Rs. 1,97,268

Grant-in-aid to allopathic dispensaries.

18. *MR. A. K. KUMARAN VAIDYAN: Will the Government be pleased to state whether they have given any grant-in-aid to any allopathic dispensary in the State during this year and if so, the names of those dispensaries and the taluks in which they are located?

VAIDYASASTRAKUSALA DR. (MRS.) M. POONEN LUKOSE: No grants were given this year to any new allopathic dispensary.

Land tax in Suchindram pakuthi.

19. *MR. K. NARAYANAPERUMAL NADAR: Will the Government be pleased to state:

(*a*) the total number of pattadars paying land tax through Suchindram pakuthi cutcherry in 1116; and

(*b*) the total number of persons to whom demand notices were sent in 1116?

MR. K. KUNJAN PILLAI: (*a*) 1,180

(*b*) 860

Malayalam Training school at Mavelikara.

20. *MR. P. NARAYANA PILLAI (*Mavelikara* cum *Kunnattur*): Will the Government be pleased to state:

(*a*) whether they have decided to shift the Malayalam Training School at Mavelikara from the present site; and

(*b*) if so, the reasons for the same?

MR. A. GOPALA MENON (*Director of Public Instruction*): (*a*) No.

(*b*) Does not arise in view of the answer to part (*a*).

Inspectors and Sub-Inspectors in the Excise Department.

21. *MR. A K. KUMARAN VAIDYAN: Will the Government be pleased to state, by caste, the number of Inspectors and Sub-Inspectors in the Excise Department?

MR. P. G. NARAYANAN UNNITHAN: A *statement is laid on the table.

Graduates in the Survey Department.

22. *MR. S. GOVINDA PILLAI (*Chirayinkil* cum *Nedumangad*): Will the Government be pleased to state:

(*a*) whether there are graduates in the Survey Department; and

(*b*) whether the Government by their order fixed the proportion of three to one for graduates in the cases of promotion?

MR. K. KUNJAN PILLAI: (*a*) Yes.

(*b*) Yes.

Sub-Treasury at Chengannur.

23. *MR. PULIYOOR T. P. VELAYUDHAN PILLAI (*Tiruvalla*): Will the Government be pleased to state:

(*a*) the steps so far taken for the establishment of a Sub-Treasury at Chengannur;

(*b*) whether they have received any representation after the budget session praying for the early establishment of the Sub-Treasury; and

(*c*) the action taken on the same?

MR. A LAKSHMINARAYANA AIYAR: (*a*) *and* (*c*) The question of opening a Sub Treasury at Chengannur is now under detailed consideration by Government from a financial point of view and also with advertence to the proximity of Tiruvalla which is not more than six miles away.

(*b*) Two representations have been received from the honourable member himself.

Registry of the Vattakkayal.

24. *MR. S. NARAYANA PILLAI: (*Quilon* cum *Kottarakara*): Will the Government be pleased to state:

(*a*) whether any application has been made for the registry of the Vattakkayal at Quilon;

(*b*) the action taken on the application;

(*c*) whether they have received any representation from the public of Quilon protesting against the registry of Vattakkayal?

MR. K. KUNJAN PILLAI: (*a*) Yes.

(*b*) It is under enquiry.

(*c*) Yes, a petition was forwarded to Government by the member himself.

MR. S. NARAYANA PILLAI: May I know the name of the applicant?

MR. K. KUNJAN PILLAI: The applicant is Mr. J. J. Daniel, Retired District Superintendent of Police.

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* *Vide* Appendix VI, page 28.

Export duty on cardamom.

25. *MR. KANNANTHODATH JANARDANAN NAIR: Will the Government be pleased to state:

(a) when the export duty on cardamom was levied; and

(b) the amount collected as duty so far?

MR. P. G. NARAYANAN UNNITHAN: (a) With effect from the 1st Meenom 1116.

(b) The amount collected as duty up to Kanni 1117 is Rs. 13,414-15 As. 2 ps.

MR. K. P. KOCHUKORA THARAKAN: ഏലകൃഷി ചെയ്തുകൊണ്ടിരിക്കുന്ന ഭൂമികൾക്കു മൂന്നു രൂപാ കരം ഉണ്ടായിരിക്കുമ്പോൾ ആ കരം കുറയ്ക്കാതെയാണോ ഡ്യൂട്ടി ചുമത്തിയിട്ടുള്ളതു്?

MR. P. G. NARAYANAN UNNITHAN: ഡ്യൂട്ടി ചുമത്തുന്നതിനുവേണ്ടി കരം കുറവുചെയ്തിട്ടില്ല.

MR. K. P. KOCHUKORA THARAKAN: ഏലകൃഷിക്കാരും ലാൻഡ് റവന്യൂ ഡിപ്പാർട്ടുമെന്റും യോജിച്ചു് ഒരു വ്യവസ്ഥയുണ്ടാക്കി ഏക്കറിനു മൂന്നു രൂപാ കരംവച്ചു. ആ വ്യവസ്ഥകൂടി ആലോചിച്ചാണോ ഈ ഡ്യൂട്ടി ചുമത്തിയതു്?

MR. P. G. NARAYANAN UNNITHAN: ഈ കാര്യങ്ങളെല്ലാം ആലോചിച്ചാണ് ഗവണ്മെന്റു ഡ്യൂട്ടി ചുമത്തിയതു്.

MR. K. P. KOCHUKORA THARAKAN: അങ്ങിനെ ഒരു സംഭവം നടന്നിട്ടുണ്ടോ?

MR. P. G. NARAYANAN UNNITHAN: ൧൦൯൦-നുമുമ്പു് ഏക്കറിനു ആറര രൂപ ആയിരുന്ന കരം അടുത്ത കാലത്തു മൂന്നു രൂപായാക്കി. മേലാൽ ചെയ്യേണ്ട കാര്യത്തെപ്പററി യാതൊരു വ്യവസ്ഥയും ചെയ്തില്ല. ഇന്നത്തെ പരിതസ്ഥിതിക്കു് നാളികേരം മുതലായ സാധനങ്ങൾക്കു പോലും ഡ്യൂട്ടി ഉള്ളതിനെക്കൂടി ആലോചിച്ചും ഏലത്തിനു ഡ്യൂട്ടി ചുമത്തി.

Appendix I.

Vide Answer to Question No. 1.

Statement showing the income and expenditure during 1116 M. E. of the Paddy Farm and Fruit Farm.

Name of Institution.	Income.	Expenditure.				
		Salary.	T. A.	Establishment charges.	Contingencies.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Paddy Farm, Thiruppathisaram ...	2,897	553	33	825	1,465	2,876
2. Fruit Farm, Cape Comorin ...	2,142	678	60	658	1,586	2,982

Appendix II.

***Vide* Answer to Question No. 2.**

(a) Statement of grafts nursed during 1116 M. E.

Name of species.		Opening balance. No.	Nursed during the year. No.	Total. No.
Mango grafts	...	344	1575	1919
Sapodilla do.	...	...	122	122
Grape-vine plants	...	47	157	204
Guava do.	...	95	211	306
Lime plants	...	1	93	94
Orange do.	...	...	10	10
Fig do.	...	...	16	16
Pomegranates	...	6	100	106
Total	...	493	2284	2777

(*b*) Details of Transactions—by Division.

Name of species.	Rate per plant	Trivandrum Division.			Mavelikara Division.			Muvattupuzha Division.		
		No. supplied.	No. sold.	Amount realised.	No. supplied.	No. sold.	Amount realised.	No. supplied.	No. sold.	Amount realised.
	Rs. ch. c.			Rs. ch. c.			Rs. ch. c.			Rs. ch. c.
1. Mango	*1 0 8	176	Sold in full.	173 21 8	313	†277	281 26 8	374	Sold in full.	380 19 0
2. Sapodilla	1 14 0	6	Do.	9 0 0	...	...	... ...	12	Do.	18 0 0
3. Grape Vines	0 8 0	10	Do.	2 24 0	5	5	1 12 0	31	Do.	8 24 0
4. Guava	0 8 0	35	Do.	10 0 0	4	4	1 4 0	61	Do.	17 12 0
5. Lime	0 8 0	10	Do.	2 24 0	...	...	.. ..	..	..	.. .. ..
6. Orange	1 0 0	4	Do.	4 0 0	...	...	.. ..	..	..	... .
7. Fig	0 12 0	1	Do.	0 12 0	...	...	.. ..	..	..	... .
8. Pomegranate	0 12 0	18	Do.	7 20 0	...	...	.. ..	31	Do	13 8 0
				210 17 8			284 14 8			438 7 0

* Mango grafts are sold at 25 chs. each at Cape Comorin, Nagercoil and Thuckalai

† 36 Mango grafts remained unsold in the Mavelikara Division at the close of the year.

The total sales in all the Divisions together amounted to Rs. 933-11-0.

Appendix III.

***Vide* Answer to Question No. 3.**

The number of in-patients in, and the amount of diet money allowed to each of the hospitals or dispensaries at Nagercoil, Quilon, Alleppey, Kottayam, Muvattupuzha, Alwaye, Perumbavur and Parur.

No. of In-patients.	Name of Institution	Amount expended in 1116.		
		Rs.	Ch.	C.
1554	District Hospital, Nagercoil ...	758	10	7
4552	Do. Quilon ...	5052	24	3
6107	Victoria Hospital, Quilon	5927	5	9
3953	District Hospital, Alleppey ...	3971	21	14
4736	Do. Kottayam ...	4352	0	8
1012	Do. Muvattupuzha ...	420	4	10
699	Do. Alwaye ...	336	12	10
2332	Do. Parur ...	1115	7	11
100	District Dispensary, Perumbavur			

"As the number of in-patients treated in Government Dispensaries are comparatively few, no lump sum is allotted for diet to the Dispensaries but they are granted diet allotment when the same is requisitioned by the Medical Officers.

Appendix IV. (a)

Vide Answers to Questions No 4 and 5.

D. Dis. No. 31/41/Rev.

CIRCULAR.

It has been brought to the notice of Government that there has been a good deal of laxity among the officers of the Land Revenue Department in the matter of eviction of encroachments on poramboke lands. Government are seriously concerned to find that in some cases the orders of eviction passed so far back as 25 years ago have not been given effect to up to date. It is also noticed that considerable misapprehension exists in the minds of the officers of the Land Revenue and P. W. Departments about the fundamental principles underlying the grant of leases on Kuthagapattom of such encroachments, especially of tank, canal, river and road porambokes in the State, to the occupants or owners of lands adjoining such porambokes for various reasons. With a view to clarifying the policy of Government in such matters and to remove misconceptions regarding the scope of the rules on the subject both among the officers of Government and the public, Government wish to emphasise that, while it is the function of the Land Revenue Department to prevent encroachments, detect them promptly when they occur and deal with them firmly under the Rules, eviction should be the rule and not the exception. As Kuthagapattom leases of such encroachments are a direct incitement to trespass, Government consider that no such proposal for lease even temporarily should be entertained except for very cogent and special reasons.

Huzur Cutcherry, (Sd.) M. K. NILAKANTA IYER,
Trivandrum, 11th January 1941. *Chief Secretary to Government.*

To

All Heads of Departments and Offices.

Appendix IV (b)

Vide **Answers to Questions No. 4 and 5.**

D. Dis. No. 593 of 41/Rev.

CIRCULAR.

The attention of all Heads of Departments and Offices is invited to Government Circular D. Dis. No. 31/41/Rev., dated the 11th January 1941, regarding the treatment to be accorded to encroachments on Government lands. Government wish to make it clear that there should be no compunction with regard to encroachments deliberately effected. No plea of length of time for which such encroachers were in occupation or of the absence of any public use of the lands encroached upon or of the absence of objection by the departments concerned could be accepted for the grant of any concession to the unauthorised occupants. Government expect that this policy of theirs would be clearly understood and acted upon in regard to the treatment of encroachments.

Huzur Cutcherry, (Sd.) M. K. NILAKANTA IYER,
Trivandrum, 19th April 1941. *Chief Secretary to Government.*

To

All Heads of Departments and Offices.

Appendix V.

Vide **Answer to Question No. 16.**

Statement of grant and expenditure from 1110 to 1116 M. E.

	Name of work.	Budget grant.	Final grant.	Expenditure during the year.	Diversion to other heads within the same section.	Remarks.
	Vaikom Section 1110.					
1.	Construction of kitchen and sinking wells in Thottur Vettickal range ...	1,000	650	1	...	
2.	Providing crockery and furniture to Vaikom T. B. ...	...	786	602	...	
3.	Special repairs to Thimili bridge in the road from Vadayar Chanthapalam to Mulakulam ...	1000	650	530	...	
4.	Constructing a low level bridge at Vallayil thodu in Vaikom Vetchoor road ...	...	1,000	887	...	
5.	Emergent repairs to Murinjapuzha jetty ...	...	510	512	...	
6.	Improving Erattukulam in Kaduthuruthy pakuthi ...	600	...	..	...	
7.	Improving and widening the thodu at Kuruppanthurai ...	470	470	206	...	
8.	Closing breaches in Ithipuzha river below Myladi thuruthu Excise station ...	520	520	438	...	
9.	Raising and strengthening the river bunds surrounding Maravanthuruthu pakuthi ...	4,500	3,000	1,176	...	
10.	Closing breaches on the western side of Murinjapuzha river in Maravanthuruthu pakuthi ...	...	...	115	...	
	Total ...	8,090	7,586	4,467	...	

APPENDIX V—(*contd.*)

	Name of work.	Budget grant.	Final grant.	Expenditure during the year.	Diversion to other heads within the same section.	Remarks.
	1111.					
1.	Widening the narrow portions of Ettumanoor Vaikom road miles 14 and 16 ...	...	1,070	950	..	
2.	Providing copper sheets to Thumbagom boat at Murinjapuzha ...	1,000	1,000	896	...	
3.	Renewing the damaged R. C. slabs of Ithipuzha bridge ...	...	420	332	...	
4.	Renewing the T. iron braces of Panjipalam bridge ...	...	60	42	...	
5.	Providing supports to the R. sheams of the bridge across K. V. canal ...	...	280	261	...	
6.	Repairs to the approaches of the 4th mile bridge Thirumanivenkitapuram road ...	...	130	116	...	
7.	Improvements to the approaches of Kandanad bridge ...	...	470	178	...	
8.	Renewing the damaged portion of the wooden platform bridge over K. V. canal, Vaikom ...	...	108	110	...	
9.	Constructing 2 × 2 culvert in the feeder road to Udayanperoor road ..	...	250	159	...	
10.	Improving the shallow portions of T. S. canal at Vaikom and Arukutty ...	5,000	5,000	3,385	...	
11.	Constructing a drain on both sides of landing Pagoda road, Vaikom ...	1,500	1,405	989	...	
12.	Constructing an inverted syphon across Valiathodu in Kaduthuruthy pakuthi ...	...	520	516	...	
13.	Closing breaches in Karathodu ..	...	115	106	...	

APPENDIX V—(*contd.*)

	Name of work.	Budget grant.	Final grant.	Expenditure during the year.	Diversion to other heads within the same section.	Remarks.
14.	Special repairs to K. V. canal lock ...	...	2,000	60	...	
15.	Improving Erattukulam in Kaduthuruthy pakuthi ...	700	700	...	...	
16.	Putting up a chira across Konottu river bund ...	..	...	273	...	
	Total ...	8200	13,638	8,383	...	
	1112.					
1.	Improving the pathway from 11/4 E. V. road to Mannar temple ...	...	100	75	...	
2.	Repairs to the II Junghar boat at Murinjapuzha ...	...	175	175	...	
3.	Providing a new junghar platform at Murinjapuzha ...	...	780	774	...	
4.	Providing a jetty in the north basin at Vaikom ...	...	250	246	...	
5.	Special repairs to the K. V. Canal lock, Vaikom ...	2,000	2,000	1,697		
	Total ...	2,000	3,305	2,967	...	
	1113.					
1.	Constructing a verandah in front of the two sheds of the E. H. School, Vaikom ...	...	604	600	...	
2.	Sinking a well in Chembu pakuthi ...	600	430	386	...	
3.	Improvements to Vaikom-Moothedathukavu road ...	...	..	101	...	
4.	Widening the narrow portions of E. V. road 14/2 and 3 and raising side bunds ...	...	220	205	...	
5.	Constructing a new groyne and extending the existing groyne in 14th mile, Ettumanur-Vaikom road ...	...	400	280	...	
6.	Providing rubble walls in T. S. canal in front of Arukutty Chowkey ...	...	3,395	3,394	...	
	Total ...	600	5,049	4,966	...	

APPENDIX V.—(*contd.*)

Name of work.	Budget grant.	Final grant.	Expenditure during the year.	Diversion to other heads within the same section.	Remarks.
1114.					
1. Improving Karathodu in Kaduthuruthy pakuthi ...	2,000	...	...	...	
2. do. Manikantapuram tank in do. ...	1,000	...	...	...	
3. Construction of Konathu river bund ...	...	7,700	7,675	...	
Total ...	3,000	7,700	7,675	...	
1115.					
1. Putting up a temporary bridge at 6/2 T. K. road. ...	...	176	163	...	
2. Consructing a 2 × 2 culvert in 1/3 Vaikom-Udayamperoor road ...	...	180	158	...	
3. do. a lean to be attached to the watcher's shed at K. V. canal ...	...	230	202	...	
4. Improvements to Kaniyan thodu in Vaikom taluk ...	2,000	2,000	...	...	
Total ...	2,000	2,580	523	...	

APPENDIX V.—(*contd.*)

	Name of work.	Budget grant.	Final grant.	Expenditure during the year	Diversion to other heads within the same section.	Remarks.
	Expenditure to end of 11/116.					
	1116.					
1.	Providing additional accommodation to the Sub-Treasury, Vaikom ...	400	700	79	...	
2.	Constructing a compound wall at Vaikom Munsiff's Court...	500	500	243	...	
3.	Improvements to Vazhamanakottaram road II section ...	700	...	...	700	
4.	do. do. I " ...	...	700	64	...	
5.	Improvements to road from Chembu to Palankadavu ...	500	5,000	2,278	...	
6.	Roads from Kaduthuruthy Srikrishnavilasom market to Piravom road I section ...	1,000	...	81	500	
7.	Vaikom Vetchoor road II section ...	...	10,000	2,819 + 3,352*	...	
8.	Improving the road from Thalayolaparambu to Palankadavu ...	...	1,000	...	...	
8.	(a) Raising the abutments of the two culverts in do. road...	500	...	...	500	
9.	Reconstructing the bridge at 6/2 T. K. road ...	1,500	1,500	343	...	
10.	Repairs to the bridge across K. V. canal Vaikom ...	250	110	163	140	
11.	Constructing a bridge across Nattuthodu Vaikom ...	700	2,450	1,167	...	
12.	do. a timber bridge at Mulakulam ...	1,200	1,200	...	...	
	Total ...	7,250	23,160	10,689	1,840	

* Expenditure incurred by the Special Engineer, Relief Works Sub-Division, Alleppey.

APPENDIX V.—(*contd.*)

	Name of work.	Budget grant.	Final grant.	Expenditure during the year.	Diversion to other heads within the same section.	Remarks.
	1110.					
	PARUR TALUK.					
1.	Opening a village road from Parur-Chattanad road to Kadakara ...	1,000	...	...	...	
2.	Parur —Kuriapalli road forming approaches to Vadakkekara bridge ...	...	500	492	...	
3.	Improving the 1st 2½ miles of Parur-Kuriapalli road, raising road and forming approaches to bridges and culverts ..	...	1,000	917	...	
4.	Constructing a lock or sluice at Karingolechira ...	7,000	400	1	...	
	Total ...	8,000	1,900	1,410	...	
	1111.					
1.	Constructing a chowkey building at Edapalli Railway Station ...	2,000	...	...	...	
2.	Improving Parur-Kuriapalli road miles 3 and 4 ...	3,000	1,015	1,227	...	
3.	Opening an approach road from Alwaye-Parur road to Mangalapuzha compound ...	450	..	...	...	
4.	Opening Sri Chitra Thirunal road ...	3,000	...	...	...	
5.	Regravelling Kurumthottiparambu road ...	...	570	499	...	
6.	Gravelling Parur-Chennamangalam road ...	...	200	212	...	
7.	Renewing the junghar platform of Cheriapalli crossing ...	...	265	263	...	
8.	Painting Vadakkekara bridge ...	...	195	173	...	
9.	Special repairs to the wooden platform bridge at the end of Parur-Chakarakadavoo road ...	...	350	344	...	
10.	Sinking a well in S. No. 391/27E of Munambam ...	340	...	...	...	
11.	Providing tidal bunds across Ankamali Manjally canal ...	...	440	183	...	
	Total ...	8,790	3,035	2,901	...	

APPENDIX V—(contd.)

	Name of work.	Budget grant.	Final grant.	Expenditure during the year.	Diversion to other heads within the same section.	Remarks.
	1112.					
1.	Constructing a waiting shed in Civil and Criminal courts, Parur ...	...	580	395	...	
2.	Reconstructing the Eloor Primary School for boys ...	1,900	1,550	1,575	...	
3.	Regravelling the bad portions of Parur-Varapuzha road ...	1,000	1,000	860	...	
4.	Approach road to Vadakkekara mosque ...	500	...	314	...	
5.	Reconstructing the collapsed foot bridge in Vadakkekara Munambam road ...	1,000	440	380	...	
6.	Sinking 5 wells for the Vala Community in Parur taluk ...	700	270	314	...	
	Total ...	5,100	3,846	3,658	...	
	1113.					
1.	Constructing a car shed for the District Hospital, Parur ...	...	456	435	...	
2.	Opening Sri Chitra Thirunal road (Item 42 Part II) ...	2,000	200	50	280	
3.	Flood damages of 9/1112 reconstructing the collapsed culvert in 1/6 Manjummel trace ...	...	430	384	...	
4.	Opening 2 canals in North Parur for the use of the Valas	1,500	...	...	430	
5.	Constructing a retaining wall with steps in front of the Municipal fish market at Parur ...	1,500	1,500	1,488	...	
6.	Sinking a well in S. No. 45/2 Vadakkekara pakuthi ...	...	250	173	...	
7.	Repairs to Parur bund ...	...	700	695	...	
	Total	5,000	3,530	3,225	710	

Appendix V—(*contd.*)

Name of work.	Budget grant.	Final grant.	Expenditure during the year.	Diversion to other heads within the same section.	Remarks.
1114.					
1. Special repairs to Pallipuram Fort ...	...	850	614	...	
2. Sinking a well at Thuruthipuram ...	...	193	226	...	
3. Sinking a well at Maliankara in Parur ...	...	40	14	...	
4. G. T. S. metalling Alwaye-Edapalli road miles 2 to 9 (part).	...	4,000	3,459	...	
5. Constructing a 15' span bridge with shutter arrangements at Karingolechira ...	1,000	1,500	127	...	
6. Improving Karumthalakottuchira in Chengamanad pakuthi.	500	...	...	...	
7. Improvements to the tank in S. No. 492/6 in Ayroor pakuthi.	1,000	...	...	...	
8. Constructing a bund and 2 irrigation sluices across Kannochal thodu ...	2,000	...	...	...	
Total ...	4,500	6,583	4,440	...	
1115.					
1. Improvements to the Civil jail buildings at Parur ...	3,000	4,900	4,528	...	
2. Special repairs to Kottapuram Fort ...	1,000	1,530	1,301	...	
3. Improvements to Manjally loop road ...	...	400	...	...	
4. Repairs to Pottentheruvu-Pullencolem road ...	...	630	713	...	
5. R. D. of 3/115 Reconstructing the 7' span bridge in 1/4 Parur-Chakrakadavu road ...	...	400	387	...	
6. Urgent repairs to Vadakekara bridge ...	...	600	531	...	
7. Reconstructing the damaged culvert in 9/5 Edapalli road ...	...	160	76	...	
8. do. 6/4 culvert in 3/8 Parur road ...	...	500	522	...	
9. Reconstructing the 6' span bridge in the trace from Manjummel to Muttar ...	...	500	312	...	
10 Improvements to Kurumthalakottuchira ...	1,000	1,000	...	...	
11. Constructing a bund and sluice across Kannackal thodu ...	5,000	4,000	...	...	
Total ...	10,000	14,620	8,370	...	

Appendix V—(*contd.*)

Name of work.	Budget grant.	Final grant.	Expenditure during the year.	Diversion to other heads within the same section.	Remarks.
			Expenditure to end of 11/1116.		
1116.					
1. Providing additional accommodation to Parur Sub-Treasury.	500	800	23	...	
2. Constructing Excise Preventive station at Noothanamettu	1,000	700	625	300	
3. Providing additional accommodation to the Police station lock-up at Murambam ...	...	700	553	...	
4. Constructing a camp shed with out-houses at Parur ...	2,000	1,715	855	...	
5. Parur—Kuriapalli road ..	1,300	7,000	4,568	...	
6. Perandoor—Kaloor road ...	500	500	38	...	
7. Alwaye—Koonamavoo road *via* Kodungalloor ...	700	700	...	...	
8. Muzhikulam-Karukutty road ...	700	...	...	250	
9. Improvements to the road from Chundanthuruthu to Manjalli *via* Kuthiathodu ...	1,500	1,300	...	...	
10. Constructing a culvert on Thadical kadavu Manjalli road ...	700	700	136	...	
11. Urgent repairs to Kundekavoo bridge ...	...	200	148	...	
12. Improvements to Naduvilakulam in Parakadavu pakuthi ..	2,000	2,000	...	...	
13. Constructing a bund and sluice in Edapalli thodu ...	2,000	...	...	...	
Total ...	12,700	16,315	6,946	550	

Appendix V—*(contd.)*

Vaikom Section.

	Final grant.	Expenditure.	Diversion to other heads within the same section.	Final grant.	Expenditure during the year	Diversion to other heads within the same section	Remarks.
1110	7,586	4,467	...	...	...	...	
1111	13,638	8,383	...	...	...	...	
1112	3,305	2,967	...	...	...	...	
1113	5,049	4,966	...	...	...	...	
1114	7,700	7,675	...	...	...	.	
1115	2,580	623	...	...	...	...	
1116	23,160	10,689	1,840	...	...	...	
Total	63,018	39,670	1,840	...	...	...	
			Parur Taluk.				
1110	1,900	1,410	...	...	...	...	
1111	3,035	2,901	...	...	...	..	
1112	3,846	3,638	...	...	...	...	
1113	3,530	3,225	710	...	...	...	
1114	6,583	4,440	...	...	...	..	
1115	14,620	8,370	...	...	...	...	
1116	16,315	6,946	550	...	...	..	
Total	49,829	30,930	1,260	...	...	...	
			Grand total ..	1,12,847	70,600	3,100	

Appendix VI.

Vide Answer to Question No. 21.

Statement, by caste, of Inspectors and Sub-Inspectors in the Excise Department.

Caste.	*Inspectors.*	*Sub Inspectors.* Permanent	Supernumerary.
A. HINDU.			
1. Brahmin	8	1	1
2. Nayar ...	36	7	6
3. Other specified Hindu ...	6	1	...
4. Nadar ...	...	1	...
5. Ezhava ...	7	...	...
B. MUSLIM ...	2	3	1
C. CHRISTIAN.			
1. Jacobite ...	4	2	...
2. Marthomite ...	1	3	...
3. Syrian Catholic ...	7	1	...
4. Latin Catholic ...	1	3	...
5. S. I. U. C. ...	2	...	...
6. Other Christian ...	1	2	...

SHORT NOTICE QUESTION.

PRESIDENT: I have received a short notice question from Mr. Padiyara Joseph Kunju which runs as follows:

> "Will the Government be pleased to state whether there is any foundation for the rumour that the Dewan Sachivottama Sir C. P. Ramaswami Aiyar is retiring from the Travancore service before the schemes of industrial development and other measures of public utility inaugurated by him are brought into completion?"

I will dispose of the matter. The rumour is absolutely false and is tendentious and has been so stated.

THE DEWAN-PRESIDENT'S STATEMENT.

Fellow Members of the Legislature,

After the Houses of the Legislature met on the last occasion certain events have happened and new developments have taken place which I feel it to be my duty to place before the accredited representatives of the people. I also feel it my duty to take the Houses into confidence in relation to certain matters of policy which will presently be placed before this House. It will also be my privilege to make one or two announcements.

In the first place I would be failing in my duty if I do not at this rather momentous occasion draw the attention of the Travancore Legislature and the public of Travancore to the position in which the world stands today, a position of infinite complexity and of great anxiety. As one of the units of the British Commonwealth of Nations, it has been our duty and our prerogative to aid the British Commonwealth, to the extent possible to us, in waging the singular struggle that is now taking place, a struggle, the seriousness of which the people of Travancore are probably in a better position to appreciate than most others, for, they have depended and still depend to no small extent upon the freedom of the seas, upon the possibility of exports and imports and upon that progress of commercialisation and industrialisation with which the destinies of this State are so indissolubly linked. Indeed, the war affects Travancore more seriously, more urgently, more imminently than many other units of this Commonwealth and it is with the full realisation of the seriousness of the situation, of the issue involved in that situation and of the great anxiety of the people of Travancore to do what they can to help in fighting this great conflict, that various contributions monetary and otherwise have been made by His Highness the Maharaja on behalf of the State of Travancore. On the last occasion I announced to the House that a Trawler was subscribed for by His Highness. Some of the newspapers reported this wrongly and it has to be noted that the whole cost of the Trawler and its equipment was borne by the Government of Travancore. Then we paid for a Fighter Plane. In addition, we have now paid Rs. 3 lakhs towards the Viceroy's War Purposes Fund, a fund designed according to His Highness' desires to help

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those Indians who are fighting for the great cause in every part of the world, to bring them succour and relief in every possible manner. Out of the contribution of Rs. 5 lakhs provided for last year towards the relief of distress, Rs. 2 lakhs have been spent in that year. Why am I introducing this subject side by side with the war contribution? Those in Travancore who have bestowed any attention on the problem will have no difficulty in subscribing to this proposition, viz., that unlike many other units of India, in a peculiar and special degree, Travancore's relief of distress is bound up with the war. The distress has been produced because of the dwindling markets for copra, coir, cashewnut, ginger, pepper and other commercial and agricultural produce. This diminution in our trade has been alleviated only to a small extent by the action of the Government of India. We are probably lucky in regard to two products; and they are tea and rubber. Owing to a wise policy of rationalisation and control, the price of tea and rubber has been kept up and the quantity of production and export also has not seriously diminished. Though these two products are needed by every country in the world and therefore have a market, still I do not minimise the gravity of the issue before us, viz., that in practically everything that we could export we are losing on account of the situation in the West and the threatened situation in the Far East. And the shipping and transport difficulties are likely to enhance in magnitude. I would invite the attention of this House to the fact that we are faced with a crisis. We are endeavouring to surmount that crisis, in what way, I shall presently indicate.

In order that the ignorance which prevails in many quarters—and I underline those words—with reference to the position of Travancore, it is necessary for me to place certain figures before this House. In the year 1114, Rs. 4,27,000 was the value of coir products exported. In the year 1116, it came to three-fourths of it and this year it is still worse. Almost every item of export has gone down considerably. For instance, one item of export whose value was Rs. 2 lakhs and odd has dwindled to Rs. 1 lakh and 30 thousand. Taking generally the figures under sea customs which constitute a proper index of the state of our income from export and import trade stands thus. In the year 1114 our export was to the value of Rs. 8 lakhs and 43 thousand and our import amounted to Rs. 2,20,000, whereas in 1116 the export value was Rs. 5 lakhs and 25 thousand and import Rs. 53 thousand.

We are further confronted with the problem that we cannot feed ourselves and that we must import rice from Burma. In this connection I have received notice of an adjournment motion to the following effect:—Mr. P. Kunjukrishnan begs leave to move that the business of the House be adjourned for the purpose of discussing a matter of urgent public importance, *viz.*, the impending danger of our rice supplies from Burma and Siam being cut off as a consequence of threat of war in the East, and the consequent suffering and starvation that

may visit the people of the land. I would ask the honourable member to realise that this distress and suffering is part of that great titanic struggle that is taking place and in which Japan, it is apprehended, may take a prominent and a mischievous part. Nothing that this Government can do can avert Japan's declaration of war if she is determined to make that declaration, and with the utmost sympathy for the mover of the adjournment motion I do not see how we can influence the course of the negotiation between Mr. Cordell Hull and Mr. Kurusu. But short of that and with our own imperfections and handicaps we are endeavouring to relieve the possibility of suffering by entering into arrangements in conjunction, let us hope, with Cochin, for the purchase and transport of rice from Burma and for its distribution at a fair price. Government have also under contemplation other methods of dealing with the matter. It is in a spirit of grave anxiety and of undisguised concern that Government are endeavouring to supply the deficiency of our imported rice. We shall not flinch from the sacrifices, we shall not flinch from any loss that might be occasioned by transactions which might become necessary, nay indispensable if our foodstuffs have to be preserved. Honourable members may therefore feel confident that to the extent to which this Government, a small unit in the great unit of India, will find it possible, they will supplement their rice production by storing, purchasing and entering into transactions with other countries outside. This Government will do its utmost and it feels it an imperative duty to start on such negotiations and arrangements as are necessary.

In this connection I cannot let slip this opportunity without referring to the real distress that prevails in some parts of the country in the coastal districts, near Shertalai for instance, and in many other localities. The only thing that this Government would be anxious to prevent is the exploitation of that situation for political, communal or religious purposes by anybody. I have before me a paper called the "Arunodayam" which I consider to be a most mischievous publication. The object of the journal read right through seems to be to indicate that Government is doing very little and that certain voluntary organisations have been the largest relief agencies in Shertalai. The Government of the State has done a great deal of relief work but the suggestion of the paper is that a *few* miles of road and canals with the necessary bridges have been constructed giving employment to a *few* hundred people. These sentences are either ironical or calculated to rouse dissatisfaction and Government will regard the paper as an unhelpful and tendentiously malicious publication.

Out of the contribution of Rs. 5 lakhs provided last year towards relief of distress, about Rs. 2 lakhs have already been spent in that year towards distress relief and Rs. 1½ lakhs will be earmarked and invested in a separate fund to be utilised later in case of real and urgent necessity. The balance of Rs. 1½ lakhs will be utilised for

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relief of distress this year. A further provision of Rs. 1 lakh will also be made this year for distress relief. For this purpose a supplementary grant will presently be moved.

In this connection I must say this in regard to relief measures at Shertalai. There is a Committee which has been constituted to undertake relief measures and the Chief Secretary to Government who has recently retired is taking great interest in this Committee. I hope that he is getting full assistance and support from his colleagues. If there is real and sincere co-operation and endeavour forthcoming from the public of the districts affected for giving adequate relief to the starving and the indigent, Government are only too willing to spend on this behalf not one lakh or two lakhs but as much as they could afford; but it only wants organisation—*bona fide* organisation. It wants some good-will. It does not want the exploitation of the undoubtedly serious situation for ulterior and sinister purposes. Government also realise that the relief should be extended not only to Shertalai but to many other places but the distress in Shertalai has been so overwhelming and so urgent that Government have to concentrate upon that. But if the present situation does not better, there might be other localities in the country which might also be brought within the purview of the activities of Government. I am asking in this matter for the utmost co-operation of everybody without reference to caste, creed or status in society. Private philanthropy is needed and Government funds are needed. And let us hope that the people and the Government will work together so that the distress which is so wide-spread and so melancholy might be dealt with in a spirit of humility, in a spirit of fellow-feeling and in a spirit of mutual confidence. This situation I have already said is dark and pitiable. I now turn to a more hopeful feature.

I stated that we have lost many markets and that our export and import trade has shrunk considerably. On the other hand, the terrible circumstances of war have enabled us to make important contributions for which we have received value, for the purpose of the prosecution of the war. I may say that so far as timber supplies are concerned the forest revenue has been really the saviour and standby of this Government. The sale of timber for the Supply Department has been on a large scale and is expected to be on a larger scale still. We have supplied rose-wood logs and rose-wood materials and further orders are pending before us on a very large scale.

Similarly, the Ceramic Factory has been able to book orders from the Supply Department in regard to insulators, in regard to crockery and various other things. We have in addition supplied 15,000 tons of cocoanut charcoal. The Rubber Factory is working during nights and days in double shifts to cope with the orders of the Government of India. The War Supply Syndicate has helped in fulfilling the execution of the orders obtained from the Government of India. Though they have been of much help in fulfilling these contracts I expect that

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again is a question closely connected with Finland and Scandinavia, because paper pulp for the use of the world at large was mainly produced in the Balkans, Finland and Scandinavia. Neither Finland nor Scandinavia is an effective source of supply today. To say therefore the price of paper has risen is to say the obvious. All that can be done is to see to possible extension with regard to the Punalur Paper Mills. We get as much as possible from these Mills. But they have to fulfil war orders and therefore there is not much hope in the immediate future unless the war situation changes, when the price of paper will go down.

The question of newsprint also arises. That is a difficult matter, and Government are going to deal with it. But I do not see much consciousness of that situation among the newspaper proprietors and editors. They have not joined together for making any concerted effort in this direction. Sporadic and individual applications are received and are dealt with sporadically and individually. I trust that those who are concerned in this matter would bestir themselves and act in an organised manner. One prominent newspaper said that the price of rice, piecegoods and hardware has risen and asks what Government can do in the matter. Hardware was mainly imported from England and Japan. England is too busy now to export hardware. And Japan too is equally busy to do any export. Now how can the price of hardware be dealt with by this Government?

The only answer is, why don't you get on with your pottery and do what your ancestors did some thousand years ago. In other words one has to recognise that there are certain inevitable factors. But Government have done something in the matter of yarn and rice. If only honourable members will go ten miles outside the boundary of the State and try to buy a pound of yarn they will know what price they have to pay outside the State. We have, thanks to the co-operation of the Harvey Mills, thanks to the co-operation of certain other mills, and thanks also to the very devoted and enthusiastic labours of the Chief Secretary and Dr. Parameswaran, entered into certain arrangements which enable us not only to keep the price of yarn at a lower level than in the whole of British India but to enable us to distribute it, though not to as many as we would like, at least to as many as possible in the circumstances. So far as rice is concerned if honourable members will make some enquiries as to the price of rice in Madras, Madura and places on the other side of the Ghats and compare the price of rice here, they will realise what Government have been doing. Government have always come to the rescue of some of the wholesale and retail merchants for the regulation of prices and are taking special measures in regard to the import and export policy to keep the prices at a proper level.

I have dealt so far with what may be called the economic situation. I now come to the political situation. I do not think that for many years there has been such peace and calm—essential peace and

calm—in this country as there is at this moment. There are on occasions, wild and reckless speeches, but whereas at one time these wild and reckless speeches threatened to translate themselves into wild and reckless actions, today the tendency is different. In the Madras Mail of the 25th or 26th November appears the following:—

> "The Third Annual Conference of the Coir Workers of the Shertalla taluk was held yesterday, Mr. Janardanan Nair, M. L. A., President of the Quilon Factory Workers Union, presiding, and resolutions were passed expressing sympathy with Soviet Russia, criticising Mr. Gandhi's individual Satyagraha, demanding the release of detenus, requesting the State Congress to intensify its agitation for Responsible Government and promising all support for them in their activities, supporting the move for an All-Travancore Trade Union Federation, protesting—(*mark the words*)—against the Travancore Government's ban on the shouting of 'Inquilab Zindabad' meaning 'long live revolution' and the carrying of the red flag?"

At this juncture I may say this. That the Government of Great Britain is in alliance with Russia but the Government of Great Britain, as I understand it, is not in alliance with communism. The Government of Great Britain is not in alliance with revolution or the methods instigating that revolution. The strength of Russia today is not because it is an orthodox communist State but because Stalin has departed from the traditions of Trotsky and Lenin. The world realises that Stalin is not the lineal descendant of Trotsky, and therefore is it that the country is able to meet aggression in a most heroic and united fashion. Those who remember the Treaty of Brest-Litovsk would realise that the present day practice of Russia is the opposite of the ideals that animated that shameful treaty. But whatever these matters of high policy may be I may assure you that anybody who insists on shouting 'long live revolution' will find himself in jail or will be detained in Travancore. There is no ambiguity or hesitation about it. Anybody who insists on carrying the red flag will find himself in jail or be detained. There is no ambiguity or equivocation on that matter. And any labour organisation which insists on allying itself with any political party will not find encouragement from Government. That is a matter which I assert without any ambiguity or equivocation. I am glad to get an assurance from Mr. Janardanan Nair that he never made a speech on these lines. He told me that the whole matter, as reported in the "Madras Mail", was thoroughly inaccurate and was the opposite of what he intended because he wanted no alliance of labour with any political party. It is a great pity that a great newspaper like the "Madras Mail" has not correctly reported Mr. Janardanan Nair's utterances. Am I right, Mr. Janardanan Nair?

MR. KANNANTHODATH JANARDANAN NAIR (*Karunagapally cum Karthikapally*): Yes, Sir.

PRESIDENT: That being so we are only left with this position, viz., that the resolutions have been passed, Mr. Janardanan Nair assures me, though these resolutions are opposed to what he himself

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urged. So far as Mr. Janardanan Nair is concerned, I accept his assurance at its full face value. So far as the resolutions are concerned I may frankly say that those who are responsible for them should look out for themselves, unless they take an early opportunity to apologise to Government and retrace their steps.

Now I proceed to another matter. Except for these small interruptions which really do not matter and which are but little ripples on the fairly calm political sea brought about by the uneasy alliance of professional men with labour, I am glad to say that the general situation is so quiet that the Government have been deliberately releasing one after another all the detenus. And today there are only four detenus under incarceration or detention, whatever you may call it. Mr. P. Krishna Pillai who was detained by the Madras Government under the Defence of India Rules, who evaded arrest but was finally arrested at Vaikom, was sentenced in 1932. Then he started the Kerala Congress Socialist Party and was proceeded against under Section 144 in British India and convicted in 1937 for acts inciting to violence. Realising he is a danger to this country, Government have determined to detain him unless he mends his ways. Mr. M. N. Govindan Nair is also another well-known communist who is under detention. Mr. K. C. George and R. Sugathan were convicted and are in prison. There are no other detenus in this State under confinement or under any disability whatsoever.

Now with regard to the release of prisoners, we have released within the last six months over ninety people convicted or sentenced for things which may have something to do with political opinions or political activities. They include certain labour people also. And this morning I am able to say this that, if others who are detained adopt the procedure which this Government have been insisting on and express sorrow for their past acts and promise to behave better for the future, the persons convicted in the various labour cases will also be released. Immediately I am in a position to say that certain number of persons convicted in the Neyyattinkara case in which it must be remembered that the car of the late Mr. T. R. Raman Pillai was burned to ashes—seven or eight of them have admitted their guilt and expressed their regret and said they would make amends for the past—they will be released forthwith and orders have been issued for releasing them under certain conditions. In regard to the large number of persons arrested in Kadakkal, Kallara and Pangode cases, I hope I will be able to say at the next meeting of the House that excepting a few professed communists who are a potential danger to the State there is no other person in jail for a political or quasi-political act or for misdirected endeavour. Having said that, I hope that those who come out of jails will do two things. They will refrain from a repetition of the old activities and they will refrain from allying themselves with any political or labour organisation who have been creating many unfortunate incidents in India in recent times. Remember, I have been addressing the honourable members of this House on relief measures.

How can relief be produced in the State unless the lack of agricultural commodity and the lack of exports and imports is recompensed for by an increased industrialisation and by increased agricultural activities? How can any good result be produced if there is not the utmost *camaraderie* between labour and capital, between the employer and those employed? And those who in these troublous times incite labour or act with ulterior or indirect motives are deliberate traitors to this country. I say it with more freedom because this Government have never shrunk from telling the employers that they must also look to their conduct and programme and it is for them to make the necessary adjustments between labour and capital. And whenever a case has arisen the efforts and endeavours of this Government have been directed to bring about such comradeship and mutual understanding of labour and capital as is possible. I am very glad to say that the majority of labour organisation in Alleppey, Quilon, Punalur and elsewhere have realised this and are co-operating between themselves in such a manner that Government intervention in this matter is reduced to as little as possible. Both labour and capital thrash out their differences and come to a mutual understanding. Settlement could be reached in such circumstances and this is the time when what is needed is the closest possible co-operation of labour and capital and the removal of all friction between them.

One matter more. A fashion has sprung up in Travancore in what is called hunger-strike. Mr. Nataraja Pillai hunger-struck in sympathy with the Deoli hunger strikers and because he wanted incidentally a family pension. Which was put first, I do not quite remember, perhaps Deoli came first. He hunger-struck for seven or eight days. His physical condition got worse. Doctors examined him and he was released. The moment Mr. Nataraja Pillai was released people thought that it was a good way of obtaining release. Ibrahim Kutty went on hunger-strike. But he was told by Government that they were perfectly in sympathy with fasting up to a point but they were not very much in favour of releasing people because they hunger-struck. He however saw the cogency of the argument and then ended his hunger-strike within 22 hours. Mr. M. N. Govindan Nair also resorted to hunger-strike. He wanted books from the Public Library and he wanted also certain species of cloth. I thought that the protagonist of the hunger-strike business, the great Mahatma Gandhi advocated hunger-strike not for the purpose of personal advantage, not for the purpose of getting certain increase in allowance or the facility to get books from the Public Library or to get the 'Hindu' in preference to the 'Madras Mail' but for certain highly moral, impersonal, great ideals and ends. Mahatma Gandhi advocated that a person might even fast to death if by that means he could melt the heart of his opponent and make him realise the error of his ways and come round to his own point of view. But this I may say that there is no real grievence to justify fasting in Travancore. If for certain extraneous and foreign reasons a person wants to fast, this Government is not going to interfere with the dictates of his inner impulses.

[President.]

Now, this peace, comparative peace, can be maintained only if communal peace is also attained. In this connection I am very sorry to say that many communities are making mistakes. This is not the time to rouse passions. In a book which recently came before me I found the following passage :—

> "Near the southern most point of India, some fifty miles from Cape Comorin, is a way side temple to the Deaf God. At the shrine the passing peasant may for a tiny coin, hear h's prayer discharged with a whiff of gun powder at the dull ears of the deity. A mocking echo is the only reply. But hard by this temple of despair, and within ear-shot of its unceasing boom, is the house of hope for the villager dedicated to a more virile faith and built upon the working philosophy that Heaven helps those who help themselves."

There are other passages which are even worse. But deliberately I am not going to give the references to these passages. I would state very strongly to those who are interested in the welfare of this country and in the prosperity of the people of this country that at no time is there any justification for one faith mocking another, at no time is there any room for ridicule or mutual aspersion. It is at this juncture that we should act as one man in comradeship and joint action.. This is not the time to rouse feelings which might lead to acerbity in word or in action.

I am glad to inform this honourable House that we have concluded finally our agreement for the starting of the Alum'nium Factory at Alwaye. The machinery has been ordered and very big transformers on account of the helpfulness of the Secretary of State for India are at Alwaye. It is our hope that within a few months the factory will start working. Ii will be the main centre for smelting aluminium for the whole of India. Not only that ; it will be the centre and a nucleus of a number of subsidiary industries, so that, I expect a great many things from that factory. Even at the beginning it will employ hundred of labourers and in a very short time it will employ thousands of labourers, not only the ordinary kind but on account of the agreement that we have made with the company the employees from all grades will be chosen from the people of Travancore, provided they qualify themselves.

I am also glad to be able to announce that the machinery is getting ready for the starting of a Plywood Factory on a large scale. I had expected this factory to be started by the aid of private enterprise. But my hopes were frustrated. When we remember that every tea chest which takes tea from here to England was once imported from outside India, notwithstanding that India and especially Travancore produces wood eminently suitable for that purpose, the irony of the situation will become very clear. But we have now taken in hand the production of the machinery which is being fabricated in Calcutta and will before long be available to us. An opportunity will be given by

the Government for the local people to subscribe to that venture. I hope that they will take up the opportunity and not recommit the mistake which Travancore committed in putting aside the Travancore Sugars and the Travancore Rubber Works. The people in Travancore do not seem to realise that these great industries, once they get into outside hands, go there for ever. But Government do propose to retain a controlling interest in the Plywood Factory, hoping that if not immediately at least at some later time better counsel will prevail and that investments by Travancoreans in that concern will be feasible.

I am also glad to announce that an agreement has been concluded with that great Syndicate which controls the production and distribution of cement throughout India—the All-India Cement Combine. We are putting up a Cement Factory taking advantage of the existence of lime shells in practically infinite quantities and of other materials. But, as the machinery for that factory will take some time to come, as at this juncture it is not possible to procure it at once, we have entered into interim arrangements by which we get cement at the same rate at which we would have got if that factory had been established in Travancore, so that we get cement practically at comparatively cheap rates, much cheaper than those at which anybody outside the combine could get anywhere in India. Taking advantage of that, it is the intention of Government to start a fairly big programme of road making on the cement concrete basis which will be a source of employment to a large number of people.

I now come to a matter which very nearly concerns this House, namely, the elections. I have received representations on both sides. It has been stated that this House and its sister House have been in existence for a long time and that the mandate has lapsed and that it is well that there should be another recourse to the electorates. On the other hand, it will be remembered that in order to have an election it is necessary to have petrol facilities which do not exist. It is necessary to have a large amount of canvassing. All things considered, having regard to the practice elsewhere, this Government have decided that the term of the Legislature which expires on the 20th June 1942 will be extended by one year more.

I have done. I have taken longer than I intended at first, and I thought it as well to bring before this House all the aspects of the various problems which are confronting the Government. The task of no Government at this time is enviable. The task of this Government which has to make bricks with very little straw is especially unenviable. In that task Government confidently hope and equally confidently assume that they will get the fullest co-operation of this honourable House and through and radiating from this honourable House, the fullest co-operation from the people of Travancore.

ADJOURNMENT MOTIONS.

PRESIDENT: Order, Order. I have received notice of certain motions for the adjournment of the business of the House. One is by Mr. P. Kunjukrishnan for the purpose of discussing a matter of urgent public importance, namely,

> "The impending danger to our rice supplies from Burma and Siam being cut off as a consequence of threat of War in the East, and the consequent suffering and starvation that may visit the people of the land".

Does Mr. Kunjukrishnan want to press it?

MR. P. KUNJUKRISHNAN (*Quilon cum Kottarakara*) : I do not press it.

PRESIDENT: The next motion is by Mr. T. C. Kesava Pillai, regarding the abnormal increase in prices. His motion reads thus.—

> "I beg to move for an adjournment of this House to discuss a definite matter of urgent public importance, viz, the situation created among the people of Travancore regarding the abnormal increase of prise of articles especially of paper".

Does Mr. Kesava Pillai press it?

MR. T. C. KESAVA PILLAI: I do not press it, Sir.

PRESIDENT: The last is from Mr. Kumaran Vaidyan for the grant of a substantial remission to the ryots of Parur and Kunnatnad which were affected by the recent cyclone havoc. It runs thus:

> "I beg leave to move that the business of the House be adjourned for the purpose of discussing a matter of urgent public importance, viz, the immediate necessity of granting substantial remission of land revenue to the ryots of the taluks of Parur and Kunnatnad who were seriously affected by the recent cyclone havoc."

Of course, it is sufficiently urgent from that point of view. Speaking about demand of land revenue as regards Kunnatnad, the figures are—arrears Rs. 11,101 and current Rs. 3390. The figures regarding collection are—arrears Rs. 2,000 and current Rs. 2,000. Thus Rs. 4000 has been collected out of Rs. 14,000. For Parur the figures show that Rs. 11,000 has been collected cut of Rs. 32,000. The balance to be collected is 70 per cent and 62 per cent of the total demand in Kunnatunad and Parur respectively. I wish to know whether the honourable member wants to press the motion.

MR. A. K. KUMARAN VAIDYAN: I do not press.

PERSONAL EXPLANATION.

MR. KANNANTHODATH JANARDANAN NAIR: Sir, I desire to speak a word. There has been a reference to the speech made by me at the Shertalai Labour Conference. Not only that the speech as reported by the Madras Mail dated 27th November does not give out the ideas as expressed by me correctly but has produced just the opposite of what I have stated. As one interested in the labour movement and the labourers I always felt and still feel that one should not lose the privilege of taking part in politics because he happened to be a labourer The labourer, apart from being a labourer ,is also a citizen. As such he has a right to indulge in the political and economical enterprises of his fellow countrymen and his country. This fact that the economical, political and social problems are interlinked beyond separation is often

forgotten by those who advocate that labourer should have nothing to do on the political field. But I was very definite and could never ignore that the trade union movement as a whole should not go into any political movement, because the moment the trade union movement goes into any political party as a whole, the aim of the movement becomes the aim of the political party. It is very clear that the aim of any political party is very different from the aim of any labour union of the labour movement. As far as I could see and understand labour unions in Travancore and the interest of labour here, their major questions are of securing better wages and better conditions of work. That is and will be the most important aim of the labour movement. As one who has gone into that movement with the highest sense of responsibility, I could never say that the labour movement as a whole should go into any political party, for no political party or movement stands for the realisation of those aims. The very same opinion was clearly explained by me when I opened two labour conferences, one at Alleppey and the other at Muhamma on recent former occasions. A reference to those two speeches will clearly indicate that I always had these views and tried to propagate these.

PRESIDENT : Order, order. I have already stated that the Chair unreservedly accepts what Mr. Janardanan Nair has stated on the matter. Therefore, the honourable member need not labour the point unless he wants to make some other point.

MR. KANNANTHODATH JANARDANAN NAIR : Yes Sir, I will point out where exactly the reporter has gone miserably wrong. The reporter has ignored the difference between labour and labourer in making the report. He forgets that when he speaks about labour he refers to the labour movement as a whole. I was speaking entirely of the labourer, the individual labourer, as apart from labour--the labour movement. That is the vital difference that made the report incorrigibly incorrect. Then Sir, there was a reference to the importation of communism. Sir, I have already proved by actions and speeches that I am an ardent believer in the principles of trade unionism. The principles of communism are far different from those of trade unionism. We in the Trade union movement always believe in the principles of co-operation in materialistic lines. We are for the settlement of trade disputes by negotiation as far as possible failing which only strikes take place. A revolutionary on the other hand stands for the accumulation of grievances which will ultimately burst out into a revolution. Can these two principles and methods be called the same? Sir, any body with a vestige of responsibility and stake in the country will be the last to preach communism. My honourable colleagues themselves can now judge what position I would assume and would have accepted.

PRESIDENT : Order, order. The honourable member is at perfect liberty to make any explanation arising from anything that happened here. But I may suggest to the honourable member that he might make clear any elaboration of his position by sending a statement to the paper which had published his original statement.

MR. KANNANTHODATH JANARDANAN NAIR: A word regarding the resolution at Shertalai. I was invited to preside over the Shertalai meeting. Being the President of the Session, I admit I had some responsibility for the resolutions passed. But that responsibility was only an indirect one. The real question to be considered is whether I spoke on any resolution. I can positively say 'No'. All my responsibilty was to be there to put the resolutions to vote in a neutral attitude. That was what I did too. I do not doubt for a moment that my honourable colleagues here, sensible as they are, would advise me to walk out of the meeting. I did not consider it necessary to walk out of the meeting either.

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: May I know......

PRESIDENT: A member is entitled to make a personal explanation arising from remarks whether those remarks fall from the Chair or from any one else. In so far as he confines himself to a personal explanation, he cannot be interrogated and no questions can be put to him.

MR. KANNANTHODATH JANARDANAN NAIR: I have nothing more to say.

PANEL OF CHAIRMEN.

PRESIDENT: I have to announce that I have nominated Mr. J. W. Tolson and Mr. T. P. Velayudhan Pillai to the panel of Chairmen for this session of the Assembly.

MESSAGE FROM THE SRI CHITRA STATE COUNCIL.

The Secretary reported that he had received the following message from the Secretary to the Sri Chitra State Council:

> "Under Rule 42 of the Travancore Legislative Rules, I am directed to inform you that the Sri Chitra State Council at its meeting held on the 15th August 1941 agreed without any amendment to the following Bills which were passed by the Sri Mulam Assembly on the 4th August 1941:—
>
> The Travancore Motor Vehicles Bill, The Travancore Penal Code Amendment Bill, The Travancore Insurance Act Amendment Bill, The Travancore Evidence Bill and The Criminal Procedure Code Bill."

BILLS ASSENTED TO BY HIS HIGHNESS THE MAHARAJA.

The Secretary announced that the following bills had received the Assent of His Highness the Maharaja:—

The Travancore Motor Vehicles Bill, The Travancore Penal Code Bill, The Travancore Insurance Act Amendment Bill, The Travancore Evidence Bill, The Travancore Criminal Procedure Code Bill, The Hindu Gains of Learning Bill and The Kshatriya Act Amendment Bill.

STATEMENT LAID ON THE TABLE.

MR. A. LAKSHMINARAYANA AIYAR: Sir,

Under Rule 76 of the Travancore Legislative Rules, I beg to lay on the table the following statement of expenditure (relating to the budget for 1116) authorised by the Government under Section 32 of Act II of 1108.

STATEMENT LAID ON THE TABLE.

Demand.	Amount in Rupees.	Particulars.
VII—A. Stamp Manufactory ...	8,310	For the purchase of cardboards and covers.
XVI - C. Administration of Justice ...	10,000	For payment of batta to prisoners of Criminal courts
XXX—A. Scientific & Miscellaneous Departments—(ii) Government Gardens ...	350	For the maintenance of the zoo animals.

FINANCIAL BUSINESS.

DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND II—LAND REVENUE AND TAXES ON INCOME.

MR. K. KUNJAN PILLAI: Sir, I move for a grant of Rs. 367 under Demand II—Land Revenue and Taxes on Income for meeting the expenditure on account of arrears of rent due for the building in which the office of the Deputy Commissioner Tax was held. The arrears relate to the period from Thulam to Meenom 1116. The amount provided for the purpose in the budget for 1116 could not be drawn and disbursed as there was a dispute about the title of the person entitled to receive the rent. The dispute has now been settled and the rent is proposed to be paid. I move that the House may sanction a supplementary grant of Rs. 367 for payment of this amount.

The Demand was put to vote and carried and grant was made.

DEMAND VII—PUBLIC WORKS DEPARTMENT INCLUDING WATER WORKS AND DRAINAGE.

T. A. to the P. W. D. Advisory Committee.

MR. I. C. CHACKO: Sir, I rise to move for a grant of Rs. 5,125 under P. W. D. including Water Works and Drainage. This amount is required to meet the additional expenditure on account of the T. A. claims of the members of the P. W. D. Advisory Committee. The Advisory Committee divided itself into small sub-committees and travelled all over the State in order to select the works for the year 1117. There was not enough provision to meet their T. A. claims in this year's budget.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know the amount already spent on that account?

MR. I. C. CHACKO: Rs. 4,365.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is this amount now demanded in addition to Rs. 4,365?

MR. I. C. CHACKO: Yes, this demand is in addition to this year's grant of Rs 3,675.

MR. KAINIKKARA M. PADMANABHA PILLAI: So the total amount for this item will be Rs. eight thousand and odd?

MR. I. C. CHAKO: Yes.

MR. KOTTALIL P. ABRAHAM: May I know why this was not sanctioned when the budget was prepared?

MR. I. C. CHACKO: Because it was only in the latter part of the year that the members of the Committee expressed their desire to go about and inspect the works.

MR. K. P. KOCHUKORA THARAKAN: ൧൧൧൬-ലേക്ക വേണ്ട ജോലികൾ തിരഞ്ഞെടുത്തിരുന്നില്ലേ?

MR. I. C. CHACKO: ചെയ്തിരുന്നു.

MR. K. P. KOCHUKORATHARAKAN: ആ ജോലികൾ ചെയ്തതിനുശേഷമാണോ വേറെ ജോലികൾ കൂടി ചെയ്യണമെന്നു നിശ്ചയിച്ചത്?

MR. I. C. CHACKO: അതിനുശേഷമല്ല. ൧൧൭-ൽ ചെയ്യേണ്ട ജോലികളാണ് നിശ്ചയിച്ചത്.

MR. K. P. KOCHUKORA THARAKAN: ൧൧൧൬-ൽ ജോലി ബാക്കിവരുമെന്നു വിചാരിച്ചാണോ കൂടുതൽ ജോലി ചെയ്യാത്തത്?

MR. I. C. CHACKO: ൧൧൧൬-ൽ മുഴുവനാകാത്ത ജോലികൾക്ക് പണമുണ്ട്. പുതിയ വേലകൾ എന്തെല്ലാം ചെയ്യണമെന്നു നോക്കുന്നതിനാണ് ഈ ടൂർ പോയത്.

MR. K. P. KOCHUKORA THARAKAN: ഈ ടൂർ നിശ്ചയിച്ചിരിക്കുന്നതു ഒരു കൊല്ലത്തെ ജോലി ചെയ്യുന്നതിനു മാത്രമാണോ, അതല്ല പഞ്ചവത്സര പദ്ധതിയോ മറ്റോ ഇതിൽ ഉദ്ദേശിച്ചിട്ടുണ്ടോ?

MR. I. C. CHACKO: പഞ്ചവത്സര പദ്ധതിയൊന്നുമില്ല.

MR. KOTTALIL P. ABRAHAM. Have not these committees submitted a report asking for a five-year plan?

MR. I. C. CHACKO. They have passed some resolutions at a recent meeting of the Advisory Board for a five-year plan.

MR. M. R. NARAYANA PILLAI: May I know how many sub-committee there are?

MR. I. C. CHACKO: There are five sub-committees, one for each division.

MR. M. R. NARAYANA PILLAI: What is the total number of members on the Advisory Committee?

MR. I. C. CHACKO: Nine members.

MR. M. R. NARAYANA PILLAI: Am I to take it that the nine members have sub divided themselves into five sub-committees?

MR. I. C. CHACKO: Yes.

MR. KAINIKARA M. PADMANABHA PILLAI: Sir, I am sorry I do not find my way to support the supplementary demand placed before the House. I regret that I might look rather unsporting because the Committee is mainly a committee of non-officials and I will be sitting on hard judgment on a few colleagues of mine. The difference in the estimates is almost double. In reply to a question from me, the Chief Engineer told me that the original estimate was only Rs. 3,000 and now with this additional grant the estimate comes to Rs. 8,000. I cannot swallow a difference of nearly double the estimate. It is a very unsound policy to have the estimate going up to two and three times. One complaint that we have always made against the P. W. D. is that the total grant for the department does not reach the roads and communications in this country. The leakage begins from the head office and goes down to the maistry and not even 50 per cent. of the allotted funds are utilised for the actual construction. Our pious hope was that with the establishment of the P. W. D. Advisory Committee things would improve. But I regret to note that the Committee have contributed their mite to the abuse of funds. Therefore I must record my strongest protest against the attitude of the non-officials who have persuaded the Chief Engineer from behind the screen to come forward with an additional demand of Rs. 5,000.

PRESIDENT: I think the protest might go beyond the Chief Engineer – to the Government also.

MR. KAINIKKARA M. PADMANABHA PILLAI: But I find from the answer of the Chief Engineer that it is because the committee went into sub-committees according to all possible permutations and combinations that they were drawing travelling allowances beyond the estimated funds. The whole thing is awkward. I do not wish to talk more upon the subject but I think that this is something which this House cannot very gladly accept.

PRESIDENT: Before putting the matter to vote, I may say that after the constitution of the P W. D. Advisory Committee, Government have definitely pursued the policy of not sanctioning estimates for works unless those estimates and works had been placed before the Committee. Therefore I can grant the necessity and the expediency of the Committee satisfying themselves about the necessity or the urgency of the works. But it is permissible to suggest that the travelling might be done, spread out throughout the year so that the works also might be spread throughout the year and there may not be any rush at the last moment. The constitution of the sub-committees might perhaps be done in a little more equitable manner. But these are matters which I dare say the committee composed of members of the Legislature will themselvs consider.

The demand was put and carried and the grant was made.

DEMAND XV—JAILS.

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY. Sir, I move for a supplementary grant of Rs. 378 for appointing an additional staff of warders in the Central Prison. The

[Rajyasevapravina Khan Bahadur G. S. Abdul Karim Sahib Suhrawardy].

entertainment of an additional staff of ten warders and one Head Warder is only for three months as a temporary measure. The reason for appointing such a staff are six-fold. One is in connection with the fodder cultivation in the Jail compound. Then, extramural work in the *Thozhuppurai* at Pujappurai demands some staff. Next comes the expanded industrial activities such as leather works and the introduction of more looms in the weaving institution. Then to meet rapid increase in jail population, the existing staff is quite inadequate. Again, there is necessity for block warders in all the blocks. As it is, this very important work is done by the convicts, which is unhealthy, unsatisfactory and dangerous. Very often the convict warders are in league with the convicts and a lot of "hanky-panky" is going on. This kind of work must be taken away from them and warders must be employed for that purpose. The opening of sentry posts in the under-trial segregation and condemend prisoners' wards necessitates the employment of separate warders in addition to the existing staff. Then the main gates have to be watched properly against the entry of contraband articles through them. This aspect of check and patrol work has been found to be very unsatisfactory, so much so a lot of contraband has gone into the jail. It is therefore necessary to entrust this work to a responsible officer at least of the rank of a last grade Head Warder. It may look very humourous to know that a woman has not gone into the jail, but the convicts had immoral intimacy with women outside. Matters have come to such a state. I may also add that with the staff asked for, I may be able to improve the lot of the convicts to a considerable extent, fom the point of view of utility. In these circumstances, I request the House to pass this grant.

PRESIDENT : The question before the House is that Government be granted a sum of Rs. 378 under Demand XV—Jails for appointing an additional staff of warders in the Central Prison.

The motion was put and carried.

The grant was made.

DEMAND XX—AGRICULTURE.

MR. K. R. NARAYANA AIYAR: Sir, I beg to move for a supplementary grant not exceeding Rs. 6,140 under Demand XX—Agriculture, for working certain schemes financed by the Imperial Council of Agricultural Research. There are three schemes which have been approved by the Council in pursuance of the recommendations of this Government. The first one releates to what is called a 'Village Project' in South Travancore. The basic idea underlying the project is to introduce in the village as a whole all improvements such as tillage methods, manurial treatments, irrigation etc., simultaneously with a view to secure the maximum outturn from land and the greatest possible financial advantage. This scheme is of great importance to Travancore especially in view of the fact that the chief impediment that stands in the way of extending improved methods of agriculture is the extremely fragmented and subdivided nature of the holdings of the cultivators. The village of Thazakudy has been selected for the purpose and the people there are very willing to co-operate with the

Department in this behalf. The scheme sanctioned by the Imperial Council is proposed to be carried out for a period of five years. The total cost of the scheme for the five year period will amount to Rs. 9,854 which will be shared on 50: 50 basis by the Imperial Council and this Government. As the honourable members are aware, the year of the Imperial Council commences from the 1st of April every English year. That is the reason why this demand was not brought up during the regular Budget session of the House.

The second of the schemes is a Milk recording scheme which is a close adjunct to the scheme of grading up of cattle that has been inaugurated in and around the Trivandrum town. The honourable members know fully well that the condition of our cattle could be beter imagined than described. The cattle here are of a mongrel, non-descript type, out of which it is well nigh impossible to attempt at evolving a definite type by selective breeding. The local cows are very poor milkers. The Imperial Council have recognised the importance of this scheme. It is very necessary to find out to what extent improvements in the milk yield of our cows could be effected. The scheme is planned to work for a period of five years in order to allow of the first lactation of the first generation being studied. In view of the great benefit that will accrue to the State, it is proposed to start the scheme in April 1942 and a sum of Rs. 308 is necessary for the current year.

The third scheme relates to the extension of the scheme of research on the root and leaf diseases of the cocoanut palm in South India.

MR. P. SIVARAMA PILLAI: May I know whether the Imperial Council is contributing its share towards these problems?

MR. K. R. NARAYANA AIYAR: Yes, the expenses are to be shared half and half by them and this Government.

In regard to the subject relating to cocoanut diseases, I dwelt on it at length in my speech during the Budget Session of this House. The Council have decided that the scheme should be extended for a further period of five years with a view to test out in the field the results of the laboratory investigations carried on so far. On account of the importance of the subject, it is necessary to pursue investigations still further on the lines adopted and do all that is possible to remedy the situation. The cost of the scheme comes to about Rs. 4,152 and one half of this expenditure will be borne by the Imperial Council. In view of the great practical value of the scheme I hope honourable members of the House will concede this demand.

PRESIDENT: I am very glad that the Imperial Council of Agricultural Research is taking interest in far-off Travancore and are encouraging some of our schemes. I have no doubt that the House will be glad to vote this amount.

The question before the House is that Government be granted a sum of Rs. 6,140 under Demand XX - Agriculture for workng out schemes financed by the Imperial Council of Agricultural Research.

The motion was put and carried.

The grant was made.

DEMAND XXII—CO-OPERATIVE DEPARTMENT.

MR. K. R. NARAYANA AIYAR: Sir, I rise to move for a supplementary grant not exceeding Rs. 1,400 under Demand XXII—Co-operative Department.

I do not think it is necessary for me at this stage to deal at any great length about the present position of the Co-operative movement here. It has not been working on proper lines for some years past. Although it was started with the best of intentions it is on the decline from day to day. But honourable members of this house will agree that the only organisation which could contribute something substantial towards rehabilitating our economic life particularly among the agriculturists, for developing cottage industries and the marketing of agricultural products is the Co-operative movement. The question of putting the movement on its feet again is engaging the attention of the leading co-operators of this country and it has also been exercising the mind of Government for a long time. On 8-12-1116, the leading co-operators of this country met in the Victoria Jubilee Town Hall and passed resolutions requesting the Government to come to the rescue of the movement by rendering financial aid and by exercising the necessary control for the working of the societies. A resolution was also passed to the effect that a standing advisory committee be constituted to help the Registrar in the preparation of a rehabilitation scheme and also take such other steps for the uplift of the movement as may be deemed necessary from time to time. These resolutions were submitted to Government on the 1st of September 1941. They sanctioned the appointment of a Committee with the specific direction that the report should be submitted within a period of three months. The Committee have already met twice till now. It is composed of very distinguished co-operators and I can testify to the House that the members of the Committee have been working extremely hard in this matter. It is to meet the travelling expenses of the members of the Committee that this demand has been put forward. I request that the house will be pleased to give its assent to this demand.

MR. M. R. NARAYANA PILLAI: Will the report of the Committee be published for the information of the members?

MR. K. R. NARAYANA AIYAR: It is not a question of publishing the report of the Committee. The Committee have been asked to prepare a practical and workable scheme and that is being done.

PRESIDENT: Because this is a matter in which the public are interested, that question will be considered when the Government gets such information.

The question before the House is that Government be granted a sum of Rs. 1,400 under Demand XXII—Co-operative Department for meeting the expenditure in connection with the work of the Co-operative Advisory Committee.

The motion was put and agreed to.

The grant was made.

DEMAND XXXI—MISCELLANEOUS CHARGES.

MR. A. LEKSHMINARAYANA AIYAR: Sir, I beg to move for a supplementary grant not exceeding Rs. 1,00,000 under Demand XXXI—Miscellaneous charges for additional contribution to the Distress Relief Fund. The object for which this contribution is made has already been explained by the Dewan-President.

MR. KAINIKKARA M. PADMANABHA PILLAI: Sir, we should like to have one or two points cleared. With whom is this fund to be entrusted for the expenditure? For what definite purpose, the amount is to be spent and the rest of it?

PRESIDENT: It is not a question of entrusting the money with anybody. It will be remembered that the Government set apart a certain sum of money for meeting 'Emergencies' in the last Budget. The Government armed themselves with necessary funds for the purpose of diversion to relief works war works, and emergencies of that kind. It is found now that at least a lakh more will be necessary in the immediate future for dealing with distress. Out of this allotment a portion may be spent directly for road making, for otherwise relieving poor folk or for feeding, whichever may be regarded as expedient, for the time being. It is for that purpose, this contribution of one lakh is made.

MR. KOTTALIL P. ABRAHAM: May I know whether any portion of this money will be utilised for poor in-patients lying in the hospitals of the State?

PRESIDENT: Not for schemes of such type. For example, there are a large number of persons thrown out of work and virtually reduced to starvation. Such people who are absolutely unable to get work may have to be given food and kept alive. Though private and philanthropic agencies are doing something in that direction, Government too may have to start relief works in which able-bodied people can find work. Honestly speaking, even this provision of one lakh may not be sufficient and Government may have to come before the House again for meeting emergencies. The provision of one lakh is considered to be essential for the time being.

MR. P. S. MUHAMED: സർ, തൊഴിലില്ലാതെ വിഷമിക്കുന്ന ജനങ്ങളെ സഹായിക്കുന്നതിനുവേണ്ടി ഗവൺമെൻറു കാണിക്കുന്ന മഹാമനസ്കതയെ ഈ സഭ അനുമോദിക്കതന്നെയാണു ചെയ്യുന്നത്. യുദ്ധാരംഭത്തോടുകൂടി ഫാക്ടറികളിലെ തൊഴിലാളികൾ മുഴുവൻ തൊഴിലില്ലാതെ വെളിയിലിറങ്ങി കഷ്ടപ്പെടുന്ന ഈ സന്ദർഭത്തിൽ ഗവൺമെൻറ് അഞ്ചു ലക്ഷം രൂപായോളം അവരുടെ കഷ്ടപ്പാടു തീർക്കാൻ അനുവദിച്ചതു ഞങ്ങൾ എല്ലായ്പോഴും കൃതജ്ഞതയോടുകൂടിയാണ് അനുസ്മരിക്കുന്നത്. ആ ഘട്ടത്തിൽ ഒരു കമ്മിററിമുഖാന്തിരം ഈ ഫണ്ടു ഉപയോഗിക്കേണ്ട വിധത്തെ സംബന്ധിച്ചു ഗവൺമെൻറിനെ ധരിപ്പിച്ചപ്പോൾ ആ അഭിപ്രായം അതേപടി സ്വീകരിക്കാൻ ഗവൺമെൻറിനു സൗകര്യം ലഭിച്ചി

[Mr. P. S. Muhamed.]

അന്നില്ലെങ്കിലും ഇന്നത്തെ ഗവൺമെൻറ് ഓരോ സ്ഥലങ്ങളിലുള്ള റിലീഫ് ജോലിയും അതാതു സ്ഥലങ്ങളിലുള്ള ആളുകൾക്ക് കൺട്രാക്ട് കൊടുത്തു നടത്തിക്കണമെന്ന തീരുമാനിച്ചതിൽ ഞങ്ങൾ വളരെ സന്തോഷിക്കുന്നു. വാസ്തവത്തിൽ റിലീഫ്‌വർക്ക് ഡിപ്പാർട്ടുമെൻറലായിട്ടുതന്നെ നടത്തണമെന്നായിരുന്നു ഞങ്ങൾ ആവശ്യപ്പെട്ടത്. ഡിപ്പാർട്ടുമെൻറലായിട്ടു റിലീഫ്‌വർക്ക് നടത്തിയാൽ ഫാക്ടറി തൊഴിലാളികളെക്കൊണ്ടു ശരീരം ക്ലേശമുള്ള മണ്ണു ചുമക്കുക മുതലായ പ്രവൃത്തനങ്ങൾക്ക് പ്രയോജനപ്പെടുകയില്ലെന്നും, അതുകൊണ്ട് ശരിയായ ടേൺ ഔട്ട് കാണിക്കാൻ സാധിക്കുകയില്ലെന്നും, അതുകൊണ്ട് ഡിപ്പാർട്ടുമെൻറു മേധാവികൾ ഉത്തരവാദിത്വം വഹിക്കുകയില്ലെന്നും പറഞ്ഞു. അതുകൊണ്ട് കൺട്രാക്ട് കൊടുത്തുതന്നെ ജോലി നടത്തിക്കണമെന്നും തൊഴിലാളികളുടെ താല്പര്യത്തിനുവേണ്ടി ഡിപ്പാർട്ടുമെൻറിൽനിന്നും അവരുടെ കൂലി കൊടുക്കണമെന്നും, ആ കൂലി ഇന്നയിന്നതായിരിക്കണമെന്നും, ടേൺഔട്ടു കുറയാതിരിക്കുന്നതിനുവേണ്ടി ലേബർ പ്രതിനിധികൾ കൺട്രാക്ടർമാരോട് ഉത്തരവാദിത്വം വഹിക്കണമെന്നും കമ്മിറ്റി റെക്കമെൻറുചെയ്തു. അന്ന് എസ്റ്റിമേറ്റിനോടു ഏതാണ്ട് അടുപ്പിച്ചു കൺട്രാക്ട് കൊടുത്തു. ഈ സന്ദർഭത്തിൽ കോട്ടയം, തിരുവല്ല മുതലായ താലൂക്കുകളിൽനിന്നു ചരൽ കൊണ്ടുവരുന്നതിനുള്ള കൺട്രാക്ട് ഇതിൽ ഉൾപ്പെടുത്തി കൊടുക്കേണ്ട ആവശ്യമില്ലെന്ന് അഭിപ്രായം വരികയും അതിനെ സംബന്ധിച്ചു ഗവൺമെൻറിനു നഷ്ടം വരുമെന്നുള്ള ഒരു നില കാണുകയും ചെയ്തു. ഫാക്ടറി തൊഴിലാളികളെക്കൊണ്ടു ജോലി ചെയ്യിക്കാതെ വരുന്ന നഷ്ടം പരിഹരിക്കണം എന്ന വിചാരം ഉണ്ടായിരിക്കയും അന്നത്തെ ചീഫ് സെക്രട്ടറി മി. എം. കെ. നീലകണ്ഠയ്യർ ആ പ്രദേശങ്ങൾ സന്ദർശിച്ച അവസരത്തിൽ കേവലം ടെൻഡർ വിളിച്ച് ആൾക്കു കൺട്രാക്ട് കൊടുക്കാമെന്ന ഒരു നില സ്വീകരിക്കയുംചെയ്തു. എന്നാൽ അന്നു ഞങ്ങൾ ആവശ്യപ്പെട്ടതു ശരിയായിരുന്നു എന്നു ചീഫ് സെക്രട്ടറി ഉദ്യോഗം കൈവെടിഞ്ഞതോടുകൂടി ഞങ്ങളുടെകൂടെവന്നു സ്ഥലം സന്ദർശിച്ചപ്പോൾ അദ്ദേഹം അഭിപ്രായപ്പെട്ടു. തൊഴിലാളികളെക്കൊണ്ടു ചെയ്യിക്കാവുന്ന ജോലി മാത്രമല്ല എൻജിനീയറിങ്ങ്സ്കീൽ ആവശ്യമുള്ള ജോലികൂടി ടെൻഡർ വിളിക്കാതെ കൺട്രാക്ടുകൊടുത്തു നടത്തിക്കണമെന്നുകൂടി അഭിപ്രായപ്പെട്ടു.

MR. K. P. KOCHUKORA THARAKAN : അപ്പോൾ ഉദ്യോഗം മാറുമ്പോൾ അഭിപ്രായവും മാറുമെന്നാണോ മെമ്പർ പറയുന്നതു്?

MR. P. S. MUHAMED : പൊതുജനങ്ങളുടെ ആവശ്യം ജനങ്ങളുമായിട്ടു സഹകരിച്ചു പ്രവൎത്തിക്കുമ്പോൾ നേരിട്ടറിയാം.

ഈ ഫണ്ടു വളരെ പ്രയോജനകരമായവിധത്തിൽ ഉപയോഗിക്കേണ്ടതാണ്. സാധുക്കളുടെ വയററിൽ പോകേണ്ട പണമാണ് ഇതു്.

MR. M. L. JANARDANAN PILLAI: മുമ്പു ചെലവാക്കിയ സംഖ്യകൾ മുഴുവൻ സാധുക്കൾക്കുതന്നെ കിട്ടിയോ?

MR. P. S. MUHAMED : അതിൽ ഭൂരിഭാഗവും സാധുക്കൾക്കു തന്നെ കൊടുത്തിട്ടുണ്ടു്. ആരെങ്കിലും തൊഴിലാളികൾക്കു കൊടുക്കാതെയിരുന്നിട്ടുണ്ടെങ്കിൽ അവരെ തൊഴിലാളികൾ വെളിയിൽ ഓടിച്ചിട്ടുണ്ടു്.

ഏതായാലും ഈ സംഖ്യ പൊതുമരാമത്തു റിലീഫ് വൎക്കിനു ഉപയോഗിക്കുന്നതു ജനങ്ങൾക്കു പ്രയോജനപ്രദമാണ്. കൺട്രാക്ട് അതാതു സ്ഥലത്തുള്ളവൎക്കുതന്നെ കൊടുക്കുകയുംവേണം. കുളംവെട്ടുക, മണ്ണു ചുമക്കുക മുതലായ ജോലികൾ ഏതു തൊഴിലാളിക്കും ചെയ്യാൻ കഴിയും. അങ്ങിനെയുള്ള ജോലികൾ ഡിപ്പാർട്ടുമെൻറലായിട്ടുതന്നെ നടത്തിക്കണം. ഡിപ്പാർട്ടുമെൻറുകാർ ശരിയായിട്ടു ഇതു നിർവഹിക്കുന്നുണ്ടോ എന്നു ഉത്തരവാദിത്വമുള്ള ഒരു കമ്മിററി പരിശോധിച്ചുകൊണ്ടിരിക്കണം. ഇങ്ങനെ ചെയ്താൽ വളരെ പ്രയോജനമായിരിക്കും. എൻജിനീയറിംഗ്സ്കീമിൽ ആവശ്യമുള്ള പാലംപണി മുതലായ ജോലികൾ ടെൻഡർ വിളിച്ചുതന്നെ കൊടുക്കണം. ടെൻഡർ വിളിച്ചു ലോവസ്റ്റ് കൊട്ടേഷനു കൊടുത്താൽ അതിൽ ആദായംവരുന്ന പണം കൊണ്ടു പിന്നെയും റിലീഫ് വൎക്കുകൾ നടത്താം.

ചേൎത്തല തൊഴിലില്ലായ്മ വളരെ അധികമുണ്ടെങ്കിലും ആലപ്പുഴ ഫാക്ടറിജോലിക്കാരെ സംബന്ധിച്ചിടത്തോളം വലിയ വിഷമമില്ല. എന്നാൽ കടപ്പുറത്തു മാറിയാൽ തൊഴിലില്ലാതെ അനേകം ആളുകൾ കഷ്ടപ്പെടുന്നുണ്ടു്.

അതുകൊണ്ടു ആലപ്പുഴയും സമീപമുള്ള സ്ഥലങ്ങളിലും എന്തെങ്കിലും റിലീഫ് വൎക്കുകൾ ചെയ്താൽ നന്നായിരിക്കും. ആലപ്പുഴ തൊഴിലാളികളുടെ ഭാഗ്യദോഷത്താൽ അവിടെയുള്ള ചില പ്രഭുക്കന്മാർ അവരുടെ വസ്തുക്കൾക്കു കൂടുതൽ വില കിട്ടണമെന്നുള്ള വിചാരത്താൽ ഭൂമി വിട്ടുകൊടുത്തില്ല. ഏതായാലും ഗവൺമെൻറിൻെറ ദൃഷ്ടി ആലപ്പുഴയിലും അതിനു സമീപമുള്ള സ്ഥലങ്ങളിലുംകൂടി പതിയണമെന്നു പ്രസ്താവിച്ചുകൊണ്ടു വിരമിച്ചുകൊള്ളുന്നു.

MR. P. KUNJUKRISHNAN: In this connection I will point out the necessity of extending relief to the labourers who were employed in the cashewnut factories in the taluks of Quilon and Kottarakara. Most of the factories have been closed down and thousands of women and children employed in these factories are now out of work. I may submit that their plight is very hard and we find thousands of labourers once employed not able to earn their livelihood and they are practically starving. I would submit that a satisfactory amount from this fund may be utilised for the relief of the labourers who were once employed in the cashewnut factories of Quilon and Kottarakara taluks.

I would also draw the attention of the House to the sad plight of the weavers of Quilon and Kottarakara taluks. As the result of the rationing effected by the Government, weavers have been benefited very much. But what we find now is that they are not able to get even a portion of the yarn that has been allotted to them.

PRESIDENT: That does not arise out of this particular demand.

MR. P. KUNJUKRISHNAN: The weavers who have now been thrown out of employment on account of not getting enough yarn will have to resort to some other work. They are now without any work. I submit that a portion of the amount may be utilised for affording work for the unemployed weavers in those localities.

In conclusion, I may submit that though a large amount has been allotted for the distress relief in Quilon, much has not been spent. I submit that unemployment and distress are prevailing in Quilon and Kottarakara taluks in a considerable proportion and that the earnest attention of Government may be drawn to those areas.

The motion that Government be granted a sum of Rs. 1,00,000 for additional contribution to the distress relief fund was put and carried and the grant was made.

PRESIDENT: Before adjourning I am bound to place before this House the results of the fruitful discussions that took place between the Cochin Government and this Government. I am very glad to be able to tell this honourable House that the relations between the sister State of Cochin and Travancore are now of the most cordial character. Quite recently the Dewan of Cochin came over here and had discussions practically on every matter in which there was any dispute or claim pending between this State and Cochin. I am glad to be able to announce that agreement has been reached on the Hydro-electric problem and temporary supply has been promised by this Government from the Pallivasal Works for the benefit of Ernakulam the booster station, and the Chowara scheme. More power cannot be given at the present moment because machinery has to be imported both by the Cochin and Travancore Governments and it is not easy to obtain. But every effort is being made to expedite the progress of this work. I may tell this honourable House that the terms in regard to the whole scheme, *i. e.*, the supply not only to Ernakulam and Chowara but to the harbour area and British Cochin and in fact the whole of Cochin,

have all been settled and they are embodied in an agreement to be signed by both Governments. I am glad also to announce that agreement similar to that between this Government and British India has now been reached between this and the Cochin Governments as to relief from double income-tax. We have also had discussion on many important points like joint approach in regard to the problem of getting Burma rice and devising joint scheme of water-transport in which we are jointly interested. It is of happy augury that at no time during the discussion was there any difference of outlook or perspective and I am sure that this House and the public of Travancore will rejoice at the spectacle of these two sister States marching side by side towards common ends.

The House will now adjourn and meet at 2 o. clock.

The House adjourned at 1 P. M. and re assembled at 2 P. M. with the Dewan-President in the Chair.

MR. PADIYARA JOSEPH KUNJU: സർ, അനൌദ്യോഗസ്ഥമെമ്പറന്മാക്കായി വേർതിരിച്ചിട്ടുള്ള സീററിൽ ഒരു ഉദ്യോഗസ്ഥമെമ്പറെ കാണുന്നു. (അതായതു് മി: ജീവനായകം) അതു അനൌചിതമാണോ എന്നറിഞ്ഞാൽ കൊള്ളാം.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI (*Ag. Chief Secretary to Government*): May I point out that there is nothing in the Rules which prohibits any official member from being seated with a non-official member. The only thing is when he speaks on behalf of Government, he should be in the official seat.

PRESIDENT: All this is done as a matter of convention. Ten seats are fixed for officials here because for voting and for consultation with each other, they must be near each other. There is nothing to prevent the officials being seated distributed all over the House except this that when a seat is assigned to an honourable member, he can speak only from that seat.

MR. PUTHUPALLI S. KRISHNA PILLAI: I have to offer a word by way of explanation. Mr. Jivanayakam is here not as an officer of Government, but as an expert on a particular bill.

PRESIDENT: There is no rule that the officials should sit all on one side.

MR. PADIYARA JOSEPH KUNJU: ഇതിനുമുൻപ് ഇവിടെ മുനിസിപ്പൽബില്ലിനും മററും അഫീസേഴ്സിനെ കോവാപ്ററ് ചെയ്യുമ്പോഴും ഉദ്യോഗസ്ഥമെമ്പറന്മാരുടെ സീററിലാണ് ഇരുത്തുന്നതു്.

PRESIDENT: If, as a matter of fact, a vulgar analogy may be used, the proverb is that birds of a feather flock together. It may be that the officials on account of their excellence or the reverse, may prefer to keep company with each other. There is nothing in the rules to prevent the officials being distributed all over the House.

LEGISLATIVE BUSINESS.

THE TRAVANCORE TRADE MARKS BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that the Travancore Trade Marks Bill as passed by Sri Chitra State Council be taken into consideration.

MR. A. LEKSHMINARAYANA AIYAR: I second it.

The question that the bill be taken into consideration was put to vote and declared carried.

The Bill was accordingly taken up for consideration.

Clauses 1 to 80.

There being no amendment, the President put to vote the question that Clauses 1 to 80 do form part of the Bill, and declared them carried.

Clauses 1 to 80 were added to the Bill.

Preamble and Title.

The question that the Preamble and Title do form part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: I move that the Bill be passed.

The question that the Bill be passed was put to vote and carried.

The Bill was passed.

THE TRAVANCORE AGRICULTURAL PRODUCE (GRADING & MARKING) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: I move that the Travancore Agricultural Produce (Grading and Marking) Bill as passed by the Sri Chitra State Council be taken into consideration.

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The question that the Bill be taken into consideration was put to vote and passed.

The Bill was thereon taken for consideration.

Clauses 1 to 6.

The question that Clauses 1 to 6 do stand part of the Bill was put to vote and carried.

Clauses 1 to 6 were added to the Bill.

The question that the Preamble and Title do form part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: I move that the Bill be passed.

The question that the Bill be passed was put to vote and carried.

The Bill was passed.

THE TRAVANCORE POLICE ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: I move that the Bill as revised by the Select Committee be taken into consideration.

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The question that the Bill be taken into consideration was put to vote and carried.

The Bill was taken up for consideration.

Clauses 1 and 2.

The question that Clauses 1 and 2 do stand part of the Bill was put to vote and declared carried.

Clauses 1 and 2 were added to the Bill.

PREAMBLE AND TITLE.

The question that the Preamble and Title do form part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I beg to move the following amendment:—

"In clause (1) sub-clause (i) after the figures 111 the figure 7 be inserted."

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The amendment was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: I move that the Travancore Police Act (Amendment) Bill be passed.

The question that the Bill be passed was put to vote and declared carried.

The Bill was passed.

THE PREVENTION OF CRUELTY TO ANIMALS ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: I rise to present the Report of the Select Committee on the Prevention of Cruelty to Animals Act (Amendment) Bill and move that the Bill as revised be taken into consideration.

The question that the Bill be taken into consideration was put to vote and carried.

The Bill was taken up for consideration.

Clauses 1 to 10 B.

The question that Clauses 1 to 10 B do stand part of the Bill was put to vote and carried.

Clauses 1 to 10 B were added to the Bill.

PREAMBLE AND TITLE.

The question that the Preamble and Title do stand part of the Bill was put to vote and declared carried.

The Preamble and Title were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I move that in sub-clause (1), Clause 1, after the figures 111 the figure '7' be inserted.

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The amendment was put to vote and carried.

PUTHUPALLI S. KRISHNA PILLAI: I move that the Bill be passed.

The question that the Bill be passed was put to vote and carried.

The Bill was passed.

THE TRAVANCORE FISHERIES ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: I rise to present the report of the Select Committee on the Travancore Fisheries Act (Amendment) Bill. It will be remembered that two bills were introduced and referred to the Committee. The Committee have consolidated the two bills and presented a single report and redrafted the Bill. I beg to move that the Bill be taken into consideration.

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The question that the Bill be taken into consideration was put to vote and passed.

The Bill was taken into consideration.

Clauses 1 to 3.

The question that Clauses 1 to 3 do stand part of the Bill was put to vote and carried.

Clauses 1 to 3 were added to the Bill.

PREAMBLE AND TITLE.

The question that the Preamble and Title do form part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I move that in Clause 1 sub-clause (1), the figures "1117" be substituted for the figures "111—"

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The amendment was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that the Bill be passed.

The question that the Bill be passed was put to vote and carried.

The Bill was passed.

THE SUPPRESSION OF IMMORAL TRAFFIC BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: I rise to present the report of the Select Committee appointed to consider the Travancore Suppression of Immoral Traffic Bill and move that the Bill as revised be taken into consideration.

MR. A. LAKSHMINARAYANA AIYAR: I second it.

The question that the Bill be taken into consideration was put to vote and carried.

The Bill was taken for consideration.

Clauses 1 and 2.

The question that Clauses 1 and 2 do stand part of the Bill was put to vote and carried.

Clauses 1 and 2 were added to the Bill.

Clause 3.

MR. E. SUBRAMONIA AIYAR (*Nominated*): I require permission to move my two amendments to Clause 3.

PRESIDENT: Yes, you can move, the two amendments.

E. SUBRAMONIA AIYAR: My first amendment reads "In clause 3, sub-clause (a), line 3, delete the word other". I am asking for the removal of this word to make the meaning more comprehensive. My other amendment is "In clause 3, sub-clause (e) for the word "hire" substitute the words "payment made or promised."

I move the amendments with the object of making a few observations which will bring before the House the real implications of the Bill which we are now called upon to consider. When the Bill becomes law we should not be heckled about as to the precise nature of the restrictions placed by the Legislature, to use the phraseology as used before, by a non-marital sex expression. When the statement of objects and reasons is perused one finds that there should be a statutory law for curing the defects arising from prostitution. Prostitution, no doubt, is a very undesirable thing. At any rate, according to the sense of modern society there are certain evils attendant on prostitution and I would like to know whether the attempt of the Legislature is to combat that evil, to suppress that evil or to restrict that evil. I want to know the extent to which we are prepared to go. Is it the aim of the Bill to put an end effectively to prostitution as a whole or is it only an attempt to modify it, restrict it or regulate it in a particular way? It is to bring about the real object of the Bill with reference to the provisions which have been made in the Bill I am referring to this. Everybody may know what prostitution is but when you put it in an enactment and ask people to understand it and later on ask lawyers and Judges to apply it, the word should not be left to be interpreted differently on different occasions. To a layman it may mean something. Now the Legislature has taken care to define what we understand by prostitution. It is only that prostitution we want to check and suppress.

To the layman it might mean many things. Now the legislation has taken care to define what we understand by prostitution. It is only that prostitution which we want to check or to suppress we are going to lay the axe to. With these introductory remarks let us go to the definition of the word prostitution. Prostitution means promiscuous sexual intercourse for hire. The Oxford Dictionary gives the meaning of the word promiscuous as 'unrestricted by marriage or co-habitation'. That is what the Dictionary says. No doubt, the ordinary meaning is indiscriminate sexual intercourse.

MR. PADIYARA JOSEPH KUNJU: അപ്പോൾ പണം വാങ്ങിക്കാതെ ഒരു സ്ത്രീ വേശ്യാലയം തുടങ്ങിക്കൊണ്ടിരിക്കുകയാണെങ്കിൽ അതു് പ്രോസ്റ്റിറ്റ്യൂഷൻ ആകുമോ?

MR. E. SUBRAMONIA AIYAR: എന്റെ സ്നേഹിതൻ ക്ഷമയോടുകൂടി ഇരിക്കുകയാണെങ്കിൽ ഈ പ്രസംഗത്തിന്റെ അവസാനത്തിൽ ഉത്തരം

[Mr. E. Subramonia Aiyar.]

ചോദ്യങ്ങളുടെ ആവശ്യംതന്നെ ഇല്ലാതാവുന്നു. ഇത്രയും സംശയങ്ങളെല്ലാം തീർക്കണമെന്നുള്ള ആശകൊണ്ടു മാത്രമാണ് ഈ രണ്ടു ഭേദഗതികളും ഞാൻ ഇവിടെ കൊണ്ടുവന്നതു. അല്ലാതെ ഈ നിയമത്തെപ്പററി പ്രത്യേകമായ ഒരാസക്തിയും എനിക്കില്ല. ഈ നിയമംതന്നെ വേണമോ വേണ്ടയോ എന്നുള്ളതിനെപ്പററിയും എനിക്കു വലുതായ ഉൽക്കണ്ഠ ഒന്നുമില്ല. എന്തായാലും ഈ നിയമത്തിന്റെ വ്യാപ്തി എന്താണെന്നും അതിന്റെ ആവശ്യമെന്താണെന്നും ശരിയായി അറിഞ്ഞുകൊണ്ടു ഈ ബില്ലു പാസ്സാക്കണമെന്നു വിചാരിച്ചാണു ഞാൻ ഇതിനാരംഭിച്ചിരിക്കുന്നതു്.

The word promiscuous means unrestricted by marriage or co-habitation. Marriage is not essential if co-habitation will entail sexual intercourse which otherwise is promiscuous. In other words if a person keeps a woman continuously and co-habits with her under the same roof—they must live together as man and wife but not in the married sense—they must co-habit and live under the same roof. It is not promiscuous. Take for example a man and a woman who choose to live together for one day under the same roof, on an agreement that for one day they will be man and wife. And during this day the man says that he will not look upon any other woman. Do not think that this is abnormal. Though in recent days such instances are rare, in Vedic times it was prevalent. Take for instance the case of Rambha and Ravana. When Ravana approached her, she said that she has already engaged herself to be with another man. So when you use the word 'promiscuous' then there is that difficulty. Probably when the Bill becomes law and if a case arises and if the matter is entrusted to me I am likely to put forward the contention that there is no promiscuousness here because a man and a woman have agreed to live under a roof for three days. We must consider that aspect of the matter. The expression giving the meaning of the word 'prostitution' as promiscuous sexual intercourse for hire will lead to more trouble. What does that mean? Why is the word 'hire' used? Why not for money, reward, for compensation, or for the present of a saree or something of that character? In that case why should we use the word 'hire'? The word 'hire' is significant to me. It is significant in this sense. That a person is in possession of an animal say for instance a horse or a vehicle. In such a case, as the proprietor or as the man in possession I may use it myself or may hand it over to another. That is I may hire it out to another for another's use. The word 'hire' may suggest that it is an act of a person who is in possession or custody or has the control of a thing animate or inanimate. To make my meaning clearer I put this way. Suppose, in these matters one has to express oneself, suppose for argument's sake let us assume that just opposite the Public Offices an establishment is brought into existence

by a lady of very attractive charms. She is the owner of that building and she is the occupier of that building. She has no other person under her control. She lets herself out for hire for promiscuous intercourse. Will it amount to prostitution as defined in the Act? If you do not want to touch that case, say so.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: May I know whether that is the idea meant and is intended to cover by this definition?

MR. E. SUBRAMONIA AIYAR: That is my view. She is alone doing it. Do you intend prohibiting cases of that character? Let us be clear. Will such prostitution come within the purview of the Act? If the idea is to bring such prostitution within the purview of the Act the word 'hire' according to me will stand in the way. My honourable friend, Mr. Parameswaran Pillai asked me whether the word 'hire' will not cover the case I mentioned.

MR. PUTHUPALLI S. KRISHNA PILLAI: Why does the honourable member think that it may not cover that case?

MR. E. SUBRAMONIA AIYAR: Because the word 'hire' has got a limited meaning. I will make my point clearer when we come to the word 'brothel'. There it is stated that a brothel means any house, room or place. So if A as the owner or occupier or the person in charge of a particular premise, allows herself to be prostituted or commits prostitution I have grave doubts whether that place can come within the meaning of the word 'brothel'.

MR. PUTHUPALLI S. KRISHNA PILLAI: May I know whether one person will be able to commit prostitution on or with oneself?

MR. E. SUBRAMONIA AIYAR: I admire the resourcefulness of the Legal Remembrancer. But I am not convinced of the position taken up by him, because, for committing sexual intercourse two persons are necessary-there is no doubt on that score. But we are now at the definition of prostitution. Here the meaning of brothel is given as 'any house, room, or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution.' The idea, as I understand, is that it is a place where a person commits prostitution. It is not with reference to the several persons who frequent there. So the individual case to which I referred does not come within the purview of the sections where the word 'prostitution' occurs. In Sections 5 and 6 the word prostitution occurs when the case is not as I stated. Section 5 says as follows:—

> "Any person not below the age of eighteen years who lives with or habitually keeps company with or exercises control, direction or influence over the movements of a person living in prostitution."

Then, again Section 6 runs thus:—

> "Any person who takes or attempts to take or causes to be taken from one place to another any woman with a view to her carrying on or being brought up to carry on the business of prostitution shall be punished with . . ."

In Section 7 also the word 'prostitution' comes. Section 7 says as follows:—

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"Any person who detains any woman against her will in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse etc."

So, as I understand: ...

MR. JOSEPH VITHAYATHIL: May I know whether the case referred to by the honourable member will not come under Section 9?

MR. E. SUBRAMONIA AIYAR: Section 9 is as follows:—

"Whoever in any street or public place or place of public resort or within sight of etc."....

So a prostitute need not go to a public place for her blandishments. She will be fairly well known among her clientele.

MR. JOSEPH VITHAYATHIL: But there it is also stated "whether from within any house or building or not". Will not that be sufficient?

MR. E. SUBRAMONIA AIYAR: So, she must be seen. The point I am pressing for the attention of the House is this: If your idea is to suppress prostitution as a whole let us make it definite. My point is that by using the word 'hire' for the definition of the word 'prostitution', the house where a particular person has promiscuous sexual intercourse will not amount to a brothel, and the act may not amount to prostitution. The world 'hire' suggests, taken along with 'brothel', a place which is under the control of other people. The object of the Bill seems to be to make provision for the suppression of brothels and of traffic in women. In consonance with that object it is stated that prostitution will mean sexual intercourse for hire. If the aim of the Bill is to suppress prostitution as a whole, I would suggest that it would be much better that no room is left for doubt. Why should it be in the form of a hire? Is it prostitution to have promiscuous sexual intercourse with a person for payment, be it in kind or in cash or for reward or as compensation? If the idea is that, make it so. If that is not done, it may be argued not only plausibly but with sufficient strength that what is aimed at is not suppression of prostitution as such. If one person carries on the business of prostitution and another has got the control of it, it is really hiring a person for prostitution. That idea is strengthened by the definition of the word 'Brothel' in the Bill. Whether we prohibit it is one matter and whether we actually succeed is another matter. Suppose five persons form into a syndicate and then they take premises and they carry on without any extraneous agency coming. They are co-owners of the premises and there is no extraneous control over them. It is left to them to choose any person and they are not to submit to the bidding or control of anybody else. What we have to consider is whether we are taking away the liberty of a woman in the matter of choosing out of her own free will and pleasure for having sexual intercourse. Are we legislating and saying that it is not within the competence of a woman in Travancore to have sexual relationship for hire or for money, be it for a day or a minute, of her own sweet will and pleasure? Is that freedom sought to be taken away? Whether that freedom is desirable or not, I have nothing

to say about. No doubt we are sitting here in a very honest attempt to reconstruct society according to our desires and according to what we think to be the best, by what is called legislation. How far our acts will succeed in actual practice with the help of the magistracy and the police we will have to see. We shall make that experiment though I have got my own doubts about it. The primitive urge which is in all individuals cannot be so easily regulated or put an end to, especially in these days of excitement brought about by world conditions and when some people do not know in which direction the world is going. Apart from all these considerations, if according to you the consent of the woman is no answer to that natural and primitive instinctive act or what I may say the sexual congress, then you may say so. If you look into the Penal Code, the consent of a woman, married or unmarried will be an answer for a charge of rape. Consent is sufficient answer if the woman is of age competent to consent. We will consider whether this Bill has made any improvement upon that. Are we to say that in Travancore no woman shall be permitted to have sexual intercourse with a man, even if she is willing?

MR. JOSEPH VITHAYATHIL: May I know from the honourable member if he is aware that it would not be sufficient answer if the offence is committed by the person having charge?

MR. E. SUBRAMONIA AIYAR: I am fully aware of it and I never expected such a question from my friend. My friend is aware of various other provisions of law which define or restrict the freedom of persons who occupy certain positions in society. You will certainly find that any person can purchase property. But a receiver cannot purchase property of which he is the receiver. Similarly a trustee cannot purchase the property of the trust. Now there are so many relations between individuals like parent and child, guardian and ward, vakil and client, doctor and patient, which define or restrict freedom of independent action as between themselves. So when a public officer like the Inspector-General of Police or the Magistrate has got the charge of a lady, nothing can take place which would throw anything like suspicion upon the conduct of the officer. The consent of the woman in such a case is no answer for the simple reason that a prior relationship has come into existence and that in the interests of the public and on grounds of higher policy the law says that consent is immaterial.

MR. JOSEPH VITHAYATHIL: Is it not higher policy to prevent people from making prostitution?

MR. E. SUBRAMONIA AIYAR: My friend's question suggests that he is not taking correctly the arguments that I have advanced. I have understood that traffic in women should be prohibited in the interests of public policy, in the interests of the State and of the woman. But the question that I am agitating is whether a woman's freedom to have sexual intercourse with another of her own free will and pleasure should be limited once for all or whether it should be limited only in exceptional circumstances. It is not for a third person to limit it. That she should not do it at my bidding, I can understand. But suppose a

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woman is agreeable to have sexual intercourse with a man and nobody compels her, do you want to prohibit that? If you want to do so, do so; but think whether it is wise! I can understand your intervention where a man traffics in it by getting a number of ladies, one from Paris, one from New Zealand, one from Calcutta, one from Japan and one from China and keeps a menagerie here and says that just as the restaurant supplies drinks, he will supply women. I can understand that. Are you for prohibiting that or are you for prohibiting the other thing that I have pointed out. That is the reason why I wanted to speak on this Bill by tabling this amendment. As I began, I am not concerned about the desirability or the undesirability of the provision. I am not entirely concerned with the question of how far our experiment is going to succeed or how far the social psychological aspect of the matter will stand as a bar to the efficient working of the Act. That will depend upon the persons called upon to work the Act.

MR. M. SIVATHANU PILLAI: Am I to understand that a man freely becoming a party to sexual intercourse with a woman of her own free will will not be liable for prosecution?

MR. E. SUBRAMONIA AIYAR: It is a very difficult question to answer: I can only explain. The use of the word 'hire' shows that there is a hirer and a thing that is hired and a person who gives the thing on hire. But I do not say that a person cannot hire out oneself.

MR. KOTTALIL P. ABRAHAM: Is there any difficulty in hiring out oneself?

MR. E. SUBRAMONIA AIYAR: I am glad my friend is awakening to it. The word 'hire' implies a hirer and a thing hired. In the case of the occupier who hires herself out, the provision may not apply. If such a person is sought to be affected, let us not fight shy of it. If hereafter, say, a Cleopatra goes over here and carries on prostitution without the assistance of anybody, she being the mistress of herself, can the policeman call it a brothel? Or, as I said, if a number of people who are not under the control of anybody, carry on, their freedom is not restrained. They are not committing the act at the bidding of any other person and they pool their resources and distribute them later on.

MR. JOSEPH VITHAYATHIL: Is it soliciting under Section 9? The question is whether there is public soliciting.

MR. E. SUBRAMONIA AIYAR: Section 9 prohibits public soliciting. From that we are to infer that there is public soliciting. It says, "don't stand at the window and solicit".

MR. PADIYARA JOSEPH KUNJU: ഒരു സ്ത്രീ, അവരുടെ മാനസികമായ ദൌർബല്യംകൊണ്ടോ, അല്ലെങ്കിൽ ശാരീരികമായ ആവശ്യമോ ആസക്തിയോകൊണ്ടോ, അവർക്കു പണംകൊടുത്ത യാതൊരു പുരുഷനെ സ്വീകരിക്കുന്നപക്ഷം അതു് ഈ ബില്ലനുസരിച്ചു കുററം ആകുമോ?

MR. E. SUBRAMONIA AIYAR: അതു് തക്കതായിട്ടാണ്. മറ്റൊരാളിന്റെ അധീനതയിൽ അകപ്പെടാതെയും-മറ്റൊരാളിന്റെ ചൊൽപടിയിൽ നിൽക്കാതെയും മറ്റൊരാളിന്റെ കടിഞ്ഞാൺപാടിത്തത്തിനു പെട്ടുപോകാതെയും ഒരാളോ ഒന്നിലധികംപേരോ [illegible] അവരുടെ മനസ്സുപോലെ ഈ ഒരു വ്യാപാരത്തിന് ഒരുമ്പെടുമ്പോൾ അതു ഈ ആക്ടിൻപ്രകാരം നിരോധിക്കുന്ന ഒരു വ്യഭിചാരം ആകുകയില്ലെന്നു കാണിക്കാനാണു ഞാൻ ശ്രമിക്കുന്നതു്.

MR. PUTHUPALLI S. KRISHNA PILLAI: If the intercourse is not for any payment, actually made or promised, it will not amount to prostitution—is that what the member means?

MR. E. SUBRAMONIA AIYAR: I will answer the question to the best of my ability. "Hire" will bring about a restricted sense. I have no objection to use the term "payment made or promised".

MR. PUTHUPALLI S. KRISHNA PILLAI: If you substitute that term, then Cleopatras will not come under this law?

MR. E. SUBRAMONIA AIYAR: My friend the Legal Remembrancer will understand that I am not very anxious that my amendment should be accepted. According to me it may bring in Cleopatras within the purview of the Bill. If as a matter of fact our idea is to put to an end to prostitution, that no women shall have intercourse with another whether for hire or not, then that may be stated.

MR. JOSEPH VITHAYATHIL: That is not the object of the bill. The object of the bill is to prevent traffic.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it the member's view that as clause 3 now stands, it will exclude voluntary intercourse as referred to by the member?

MR. E. SUBRAMANIA AIYAR: Yes.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know from the member whether his view is that if his amendments are accepted that will exclude such women?

MR. E. SUBRAMONIA AIYAR: It will.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it the member's view that such women must be included?

MR. E. SUBRAMONIA AIYAR: So far as that is concerned my object in tabling this amendment has been to provoke the thought of the members in that direction. The Penal Code has not prohibited the right of a woman to have communion with another in the sexual sense. It only says that against the will nothing should be done. A person touches a woman—to use a judicial phrase—with her consent. If one can touch her with her consent, is it our aim to prohibit that? Should there be any restriction? If you answer "yes", I vote in your favour. All that I say is that let us do it knowingly. On the other hand if the idea is to restrict the traffic in women, let us say so. There is traffic in commerce and in various articles of merchandise. Let us have traffic in that sense. The assumption is that women are human beings capable of acting of their own volition. You have to respect that freedom. But what is attempted is the prohibition of other people from traffic in

[Mr. E. Subramonia Aiyar.]

women, which will mean—do not have coercion by force, but—it will be more insidious, by persuasion and by other methods more corrupt. The idea is that one should not be a manager or controller of prostitution. If the matter has gone so far as to become a menace to public safety, public tranquility and public morals, we may interfere. But should we interfere in the case of women taking to prostitution of their own free will without the control of anybody, without any pressure and under the direction of nobody? No doubt in the days of Manu there was what is called the institution of *paniya stri* or dancing girl. There it was not a case of a person having control over them. That was a case of each individual for himself or herself.

In the bill as originally put forward, I noticed the following clause:

> "Any person not below of the age of 18 years, who knowingly lives wholly or in part on the earnings of another person shall be punished with imprisonment.

In the Select Committee this has been taken away. I find here;

> "Any person not below the age of 18 years who lives with or habitually keeps company with or exercises control, direction or influence over the movements of a person living in prostitution, in such a manner as to show that such person is aiding, abetting or compelling her prostitution"... "

The word "earning" has been taken away.

MR. KAINIKKARA M. PADMANABHA PILLAI: I want to know whether the purpose of this amendment is that it might be rejected and the clause interpreted so as to exclude the particular type of prostitution described by the member.

MR. E. SUBRAMONIA AIYAR: The amendment has been moved not with the object of getting it rejected, but with the object of getting it accepted.

The word 'hire' used in the section will not touch the prostitution of the kind which I have described. It will only lead to unnecessary doubts and difficulties. If the object of this bill is to suppress prostitution as a whole the object is very commendable. Therefore we are only taking the first step in the matter. The House should consider this aspect and adopt my amendment. According to me the whole thing should be suppressed. This bill is futile. This can be evaded. And it will therefore lead to unnecessary quarrels. This law may also lead to abuse.

MR. M. R. NARAYANA PILLAI: Is it the honourable member's view that legislation on immoral traffic should also be suppressed?

(The Dewan-President occupied the Chair at this stage.)

MR. E. SUBRAMONIA AIYAR: My view is that the very basis which forms the foundation for the traffic in women, namely prostitution, should be knocked on the head. If you don't do it let us not fritter away our energies by introducing a provision as has been attempted now. My opinion therefore is that the word hire should not be used. Let us see whether we can put an end to it. Leave it to the good sense of society and the citizen to bring about the reform.

According to me even if one woman promises to have intercourse with another on hire for money's worth, that too must be restrained. Even when a woman comes for intercourse with her free consent during normal circumstances, that also should be prohibited. As the law stands now as I read it, whatever the Legal Remembrancer might say, it comes to this, namely that there are many things to be hired.

PRESIDENT : In order to guide the debate, may I make a few remarks? I understood that this bill is aimed at eradicating or endeavouring to eradicate what is called traffic in women *i.e.*, the hiring out of women for prostitution taking advantage of their youth, poverty and other circumstances. It was brought to the notice of Government that, though to an extent much less here than in many other places in India, there were localities to which people, getting down from the railway station and going to other places, were taken, and localities where persons were solicited for the purpose of promiscuous sexual intercourse. I do not take it that the object of this legislation was to deal with the much bigger and wider question of promiscuous sexual intercourse by itself. I do not think that any Government can usefully or with any effect deal with that question because the very word 'promiscuous' remains to be defined. Supposing a woman with her husband living was found in the company of another person under doubtful or suspicious circumstances, it is not the object of Government to start inquisitorial proceedings in order to find out the exact state of mutual relationship between the two persons and to find out reasons. These matters are really matters of moral suasion and of moral discipline which is the function of religion to deal with and not of the legislature. But the evil that I thought intended to be dealt with by this legislation was the marketing, the commercialisation of vices. That is the intention of the measure. As I have just now told the honourable members, this is a piece of social legislation promoted by Government because they are face to face with an undeniable and real evil. If the honourable members wish to go further, it is their look-out. I may inform the House that the Government do not propose to take part in the voting of this measure.

MR. E. SUBRAMONIA AIYAR : Sir, now that you have explained the position, I do not wish to expend my arguments in that line. I am for the total suppression of immoral traffic on women.

PRESIDENT : Only if it is possible.

MR. E. SUBRAMONIA AIYAR : Yes Sir. I am not at all for half measures in this question. Therefore I am pointing out whether the endeavour in this direction is quite enough to root out the evil. I seriously doubt the success of this measure.

PRESIDENT : I suppose the honourable member has experience under the Police Act that solicitation is itself an offence which can be punished. Supposing a woman is so lost to essentials as to solicit publicly, she can be punished. If people trade upon her taking advantage of her weaknesses or poverty, then this bill will be able to deal with such matter. If a woman is polygamously inclined to behave, then that can be proceeded against.

MR. E. SUBRAMONIA AIYAR : The expression 'hire' is not apt to be used in such instances. According to me, that word may be deleted and another put in to bring out the idea suitably. I would even say that after seeing how the Act works, this expression may be thought of.

PRESIDENT : The distinction sought to be drawn by the member appears to be perfectly legitimate. The only question is, how far the House is prepared to go in this social measure.

MR. E. SUBRAMONIA AIYAR : So I am requesting the Legal Remembrancer to find an apt expression for 'hire.' According to me, it should be a case of one person hiring another. In that sense, it will be alright. But in the bill, the idea is entirely different. It is the object of the Legislature to define the expression 'hire' properly. According to the bill, though there will be one woman, it will be considered as a brothel. Let us not be reduced to that extent. I am not very much concerned with the substitution of word "payment made or promised." The expression "hire" should denote a restricted sense in very clear terms. That is all my idea.

MR. KOTTALIL P. ABRAHAM : Is it the honourable member's idea to use the expression in a quite different sense?

MR. E. SUBRAMONIA AIYAR : So far as language is concerned, one can express ideas to suit his own tastes. In the Debt Relief Act, the amount of intellectual trouble that I had to take owing to the ambiguous use of certain expressions may be instanced here.

PRESIDENT : But incidentally the amount of income derived on that score may be remembered. (*Laughter.*)

MR. E. SUBRAMONIA AIYAR : That apart, the amount of intellectual trouble which one has to take and the extent of involutions and evolutions to be undergone—all these cause intense strain. Moreover in a piece of social legislation, such difficulties will be greater all the more. We will have to meet conflicting decisions of great magnitude. I may assure the House that all of us here are trying our level best to find an equilibrium in such matters. If this Act is passed as it is, probably some of us cannot avoid troubles of the character indicated by me. Hence I move the amendment.

MR. M. SIVATHANU PILLAI : I second it.

PRESIDENT : The question before the House is that in clause 3, sub clause (c) for the word "hire" substitute the words "payment made or promised."

The amendment was put to vote and lost.

PRESIDENT : The other amendment also must be put to vote. The question is that in clause 3 sub-clause (a) line 3, delete the word 'other.'

The amendment was put to vote and declared lost.

The question that clause 3 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 4.

The question that clause 4 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 5.

The question that clause 5 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 6.

The question that clause 6 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 7.

The question that clause 7 stands part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 8.

The question that clause 8 stands part of the bill was put to vote and carried.

The clause was added to the bill.

PRESIDENT: The marginal notes in a clause are intended for the sake of convenience. The Secretary will make a note of it.

Clause 9.

MR. K. G. GOVINDAN: Sir, I move the following amendment:—

In clause 9, sub clause (b), line 1, delete "or loiters."

As thus amended, the sub clause would read thus:—

> "Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place whether from within any house or building or not—(a) by words, gestures etc., attracts etc., or
>
> (b) Solicits or molests any person for the purpose of prostitution or carnal intercourse,..................shall be punished etc......... ....."

PRESIDENT: The advantage is that these words are what you might call very well known expressions in English Jurisprudence. There are even a series of decisions that have been given, making these expressions absolutely clear. The High Courts have given very careful connotation to these words, so much so, there is no difficulty in interpretation. Is that not so, Mr. Legal Remembrancer?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir.

MR K. G. GOVINDAN: But, who is to say that? Who can say that a person is loitering for prostitution? Who is there that can read the mind of a person? In the present instance, who will decide that a person is loitering for the purpose of prostitution or carnal intercourse. It is the lowest rank of policeman who has to decide the issue to start with. Hence it is open to abuse.

PRESIDENT: In England it was abused, to start with, by the police. The police did not know where to act and when to act so much so that honourable members may perhaps be aware that a member of the nobility was charged for loitering. The whole case went up to the House of Lords. Of course we must realise this aspect of the case. Our attempt is to try to prevent what is really evil. In the circumstances, if the honourable member thinks that the expression 'or loitering' is open to abuse, the matter could be considered.

MR. K. G. GOVINDAN: My point is who is to decide that a person is loitering for the purpose of prostitution. It is, to start with, the lowest paid officer of the Police Department. Decision on such matters by the police constable is likely to be erroneous. That will lead to corruption amongst the lowest paid officers in the department.

Again, loitering where? That also is not defined. If the provision is against a person loitering in front of a brothel, I can understand it.

PRESIDENT: Trouble arose in England when a certain number of women began purposefully to loiter in front of a club or during meetings. That is where this kind of thing generally arises, so much so, the same thing may happen in front of satroms or clubs here as well.

MR. K. G. GOVINDAN: But fortunately in our country no place is recognised as a brothel. In no part of this country is there a place which is recognised as a brothel. If there are places recognised as such, then I could have understood a prohibition in the vicinity of such brothel. Here, "loitering" is used without any limitations. Suppose a respectable person sits in the maidan in front of Thampanur Railway station in the evening enjoying the breeze or waiting for the next train. Then a lowest paid officer in the Police Department approaches him and says "you are loitering for the purpose of carnal intercourse." Who is to say 'no'?" The word loitering is a very dangerous weapon in the hands of the lowest paid officers of the Police Department.

MR. K. KUNJU PANICKAR: I second it.

The amendment was put to vote and carried.

The question that clause 9 as amended forms part of the bill was put to vote and carried.

The clause was added to the bill.

Clause 10.

MR. K. G. GOVINDAN: Sir, I beg to move the following amendments:—

(1) "In clause 10, sub clause (1), delete the following:

"On information, and if the offence is committed in his view, any Police officer specially authorised in this behalf by the Inspector General of Police."

(2) "In clause 10 sub-clause (2), " After officer " add " not below the rank of Inspector."

The clause as amended will read thus:—

" Any Police officer not below the rank of Inspector may arrest without a warrant any person committing any offence punishable under Section 9."

My object is not to give such wide powers in such delicate matters to the low-paid officers of the Police Department. If at all such powers are to be given to police officers, it should be given to more experienced, more responsible and highly paid officers of the Police Department. Otherwise it is very likely that such powers would be very often misused.

MR. K. KUNJU PANICKAR: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: If the House is of that view, I have no objection.

The amendments were put to vote and carried.

The question that clause 10 as amended forms part of the Bill was put and carried.

The clause was added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I request the Chair to suspend the Standing Order.

PRESIDENT: The Standing Order is suspended.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that in clause 1 for the figure 111 the figure 1117 be substituted.

MR. A. LAKSHMI NARAYANA AYYAR: I second it.

The amendment was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I beg to move that the Travancore Suppression of Immoral Traffic Bill be passed.

MR. A. LAKSHMI NARAYANA AYYAR: I second it.

The motion was put and carried and the Bill was passed.

THE TRAVANCORE COURT FEES ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHHA PILLAI: I beg to move that the Travancore Court Fees Act (Amendment) Bill be read in the Assembly.

MR. A. LAKSHMI NARAYANA AYYAR: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: I have explained the object of the Bill in the Statement of Objects and Reasons. Honourable members will note that the Court Fees Act is proposed to be amended for two purposes. Under Section 13 (g) applications filed in small cause suits for copies of orders and decrees and other records are exempted from payment of any court fees. Government have been watching the result of this exemption. In very many cases the privilege seems to have been abused by the public. Applications are put in without any intention of further proceeding with them. But nevertheless the office in charge of these matters has to enter these applications in a register kept for the purpose and put up a notice calling upon the parties to produce the copying paper and if the parties fail to do so, the clerk concerned will have to take the book to the Judicial Officer for passing the necessary orders. When a man has not got to pay anything as court fees, it is quite possible that a very large number of such petitions come in. It takes much time of the Court and sometimes results in serious complaints from the public also. If such applications are not affixed with court fee stamps, it is not invariably necessary that they should be presented through the administrative head and signed and certified by him. So it is very easy for the grumbler and the man who is always ready to make a complaint to say that his petition has been destroyed or that the clerk did not attend to the matter because he is negligent or because he has not been paid something. When responsible officers make enquiries into such complaints it is not possible to find fault with them. So after careful consideration Government have come to the conclusion that for the work done by the courts, just as in other cases, a small court fee of 2 chs. may be

[Mr. Puthupalli S. Krishna Pillai.]

levied. I am quite sure that the House would certainly agree with the idea underlying the proposal. A small amendment is proposed to be made on account of this in the case of the Village Panchayat Courts Act also. I would make a separate motion with regard to that. I move that the Bill be read in the Assembly.

MR. A. LAKSHMI NARAYANA AYYAR: I second it.

MR. E. SUBRAMONIA AIYAR: I very much regret that I have to oppose this bill. It has been pointed out by the learned Legal Remembrancer that after all it is two chuckrams. I also put the same question. After all it is two chuckrams. Where is the necessity for imposing that fee on the poor people? In fact this concession was granted only in the case of non-appealable cases and that is the poor man's cases.

MR. PUTHUPALLI S. KRISHNA PILLAI: Are not rich men instituting small cause cases? Hundi merchants and traders, do they not file a very large number of small cause cases?

MR. E. SUBRAMONIA AIYAR: In spite of the interruption of my friend, I still persist in saying that so far as small cause cases are concerned, though the creditor will be the rich man, the debtor will be the poor man. I do not forget the fact that justice is purchased for money. Even if you have to present a complaint you have to pay for it and court fees is the payment that you make in order that the Court may do justice between party and party. But though the Legislature has got the power of enabling courts to levy fees, I think it is not right to arm them with the power of levying fees on such petitions. In most cases these petitions will be in connection with non-appealable cases. The cases contemplated are for copies of judgments, decrees, orders or records in suits or proceedings. The financial aspect of the matter so far as the poor parties are concerned might create some hardship. Why is it necessary? Is there any real evil? How many applications for copies of judgments and decrees are made in this City?

Then with respect to the other amendment. It is sought to impose a fee of two chuckrams for certificates presented by Vakils. The purpose of this amendment will be very limited. So far as my knowledge goes, there is hardly any case for this amendment.

MR. C. JEBAMONY NADAR: I too oppose the Bill. The honourable member, the mover of the Bill, has said that this Court Fees Act amendment is not intended for the purpose of taxation. But I see a serious charge is made against the staff of the department responsible for recording the applications. In the statement of objects and reasons it is stated that complaints have been received that certificates for payment of fees filed by Vakils and Advocates are often not brought into the registers maintained for the purpose and therefore a practice has sprung up among the members of the legal profession of affixing two chuckrams court fee stamps to such certificates as a matter of caution. That shows that otherwise Vakil's fee certificates are thrown away. This proves the irresponsibility on the part of the clerks concerned. This may be due to the fact that these Government servants do not realise their responsibility. Now when we are told that papers are missing in Courts, that is a very serious thing. For there are other

most important documents, *viz.*, affidavits, original title deeds etc., which require no court fee stamp. They are very valuable documents. So if a paper is being lost because it is not stamped, it applies to all other unstamped papers including original documents, books of accounts etc., I would ask my learned friend the Legal Remembrancer to enlighten me as to any action taken against any clerk or other persons who have been found to be irresponsible in this way. In the matter of levying court fees it is an accepted principle to levy a fee only when a prayer is asked for in the particular petition. In the case of Vakil's fee, there is no prayer but only an intimation to Court that the Vakil's fee has been received because the right to get Vakil's fee usually arises out of the judgment already passed by court. In the case of an original suit when the court orders that the successful party is entitled to costs the party is legitimately entitled to have the Vakil's fee included in the decree without any further orders. So also in a small cause suit, provision is made in judgment. Thus in a Vakil's Fee certificate there is no prayer on which the court should pass any order. Automatically therefore, when the Vakil's fee certificate is presented the court has to accept it. Therefore there is no principle in levying court fees on such documents. Further, if the clerks have been found not doing their duty then they are not fit for the post. So instead of taking them to task we are assessing those who would act in accordance with law. By this imposition we are, as it were, punishing the law-abiding citizens to pay the law breaker.

Regarding the applications presented in small causes court, I wish to bring to the notice of the House one aspect. In the matter of court fees there is no difference between an original suit and a small cause suit. In the original suit there is the usual procedure *viz.*, recording of evidence in full, framing of issues and reasons for decisions. In the case of small causes suits, evidence need not be recorded in full and no appeal lies. The court is not bound to give in detail any reason for its findings. Perhaps, the difference in the labour involved in both the classes of suits, though the same rate of Court fees is realised on the value of suits, is one of the reasons why no fee is levied on petitions in small causes suits. I am not convinced when the honourable official member has said that applications filed in such cases are without good faith. Applications would be generally for copies of notes of evidence and copies of decrees. The parties have to engage a petition writer for writing the petitions because most of the litigants are illiterate and have to come from miles away and thus have to pay a fairly heavy bill for presenting a petition. So in such cases it cannot be said they are abusing their privilege in any manner if they do not produce stamp sheets within time and in fact that is only due to the poverty of the litigants. Under such circumstances it will be very hard to tax the poor litigants any further.

My honourable friend the official mover pointed out that papers are not safely kept in courts of law because they are not stamped, however valuable they might be to the parties. The very same thing may happen to stamped petitions. Then it will be still more serious. So I would submit that the principles on which this Bill is based cannot be supported on any ground.

MR. KOTTALIL P. ABRAHAM: Sir, I do not think it necessary to have an amending Bill like this at this time. It is not the case of the honourable member who brought the Bill that it is meant for the purpose of augmenting the Government revenue; because two chuckrams admittedly are but a trivial sum. The point we have to bear in mind is that the original law relating to the court fees specifically exempted cases covered by this Bill and should we at this stage, without sufficient necessity, introduce an amendment bill and cancel that exemption? It is said that the public are abusing their privileges of using unstamped applications. As Mr. Jebamony Nadar stated these petitions are put in with the help of document writers and vakil's clerks who have certainly to be paid. If in some cases, the applicants fail to proceed with the applications, it is not because of their negligence or carelessness, but it is really on account of their other unavoidable and insurmountable difficulties. So on that score the amendment cannot be supported. Another reason urged is that sometimes petitioners themselves stamp their applications though unnecessarily. If it is a fact, that affords no ground for making it compulsory on others who put in such applications without stamps. Those who file applications using unnecessary stamps do so only as a precautionary method just to ensure that the applications are by no means lost. Further the number of applications coming under this class is not large or too many. Moreover, it is not a sound principle to penalise the litigants by such additional court fees for the carelessness or the corruption of the ministerial staff or for the lack of efficient control over them by the authority concerned.

With regard to Vakils' fee certificates, it is sought by this Bill to affix stamps to them to ensure that they are properly entered in the decree. Even there, if such certificates are found missing, there is already a remedy prescribed by means of special applications to rectify those cases and to make proper entries. On that score also there is no difficulty for the litigant public. Thus the bill is in no way beneficial or necessary for the people. On these considerations I submit that an amendment Bill like this is not necessary now.

MR. P. NARAYANA PILLAI: I support this Bill. Apart from the reasons advanced by the mover, there are other reasons why such an Act should be enforced. In the interest of parties themselves such an Act is highly necessary. It is sometimes found that applications without stamps are found missing in the cases. When such applications are found missing, it will be possible for the parties to prove their case by reference to stamp registers. In the case of Vakil's fees certificates also such things happen, and it is always beneficial to the parties if they will be in a position to prove that their applications were filed. Sometimes it may so happen that the decree contain no provision for the advocate's fee; such cases may happen because petitions may not be found along with the case. So in order to remedy such defects and in the interest of parties, such an Act is highly necessary.

MR. K. P. KOCHUKORA THARAKAN: ഉദ്യോഗസ്ഥന്മാരുടെ അശ്രദ്ധയോ കൃത്യബോധക്കുറവോനിമിത്തം പാവപ്പെട്ട കക്ഷികൾ രണ്ടു ചക്രം പെനൽററി കൊടുക്കണമെന്നുള്ള വ്യവസ്ഥ വളരെ കഷ്ടമായിരിക്കുന്നു. സാമ്പത്തികാധഃപതനം വളരെ അധികം നടമാടിക്കൊണ്ടിരിക്കുന്ന ഇക്കാലത്തു് രണ്ടു ചക്രമാണെങ്കിൽതന്നെയും സാധുക്കൾക്കു അതു വലിയ ഒരു ഭാരമാണ്. രണ്ടു ചക്രം ഏററവും കുറഞ്ഞ ഒരു തുകയാണെന്നും സ്റ്റാമ്പൊട്ടിച്ചാൽ കോടതികളിൽ ഹാജരാക്കുന്ന അപേക്ഷക്കടലാസുകൾ കാണാതെവരികയില്ലെന്നും പറയുന്നു. രണ്ടു ചക്രമല്ല എട്ടണതന്നെ വച്ചിരുന്നാലും സ്റ്റാമ്പു വിഴുങ്ങുന്ന ഉദ്യോഗസ്ഥന്മാർ ഇന്നും കോടതികളിൽ അത്ര അപൂർവമല്ല. അതുകൊണ്ടു അപേക്ഷക്കടലാസ് കാണാതെ വരുന്നതിനെ തടയാൻ വേണ്ടിയാണ് ഈ കുറഞ്ഞ ഫീസ് ഏർപ്പെടുത്തിയിരിക്കുന്നതെന്നു പറയുന്നതിൽ വലിയ അർത്ഥമില്ല.

MR. M. SIVATHANU PILLAI: ഒരു പഞ്ചായത്തുകോടതിയിൽ ഇതുപോലെ സ്റ്റാമ്പു കീറി എടുത്തതിനെപ്പററി ഡിസ്ട്രിക്ട് മജിസ്ട്രേട്ട് അന്വേഷണം നടത്തിവരുന്നതായി മെമ്പർക്കറിയാമോ?

MR. K. P. KOCHUKORA THARAKAN: പഞ്ചായത്തുകോടതിയിൽ അങ്ങനെ നടത്തുന്നുണ്ടോ എന്നെനിക്കു നിശ്ചയമില്ല. മുൻസിഫ്കോടതിയിൽ സ്റ്റാമ്പു കീറി എടുത്തതിനെപ്പററി കേസുകൾ ഉണ്ടായിട്ടുണ്ട്.

MR. M. SIVATHANU PILLAI: ഒരു പഞ്ചായത്തുകോടതിയിലെ ബഞ്ച് മജിസ്ട്രേട്ട് സ്റ്റാമ്പ് എടുത്തതായിട്ടാണു കേസ്. ആ വിവരം മെമ്പർ അറിഞ്ഞിട്ടുണ്ടോ?

MR. K. P. KOCHUKORA THARAKAN: ബഞ്ച് മജിസ്ട്രേട്ട് സ്റ്റാമ്പെടുത്ത കഥ ഞാൻ അറിഞ്ഞിട്ടില്ല. എന്നാൽ ക്രിമിനൽ കോടതികളിലും സിവിൽ കോടതികളിലും അതു നടക്കാറുണ്ട്. അവിടത്തെ തൂണുപോലും കൈക്കൂലി വാങ്ങിക്കുന്നു എന്നുള്ളതു പരസ്യമായ ഒരു രഹസ്യമാണ്. അതുകൊണ്ട് രണ്ടു ചക്രം സ്ററാമ്പൊട്ടിച്ച് അപേക്ഷ കൊടുത്താലും ഇന്നത്തെ നിലയ്ക്ക് ഒരു വിശേഷവുമില്ല. ഉദ്യോഗസ്ഥന്മാരുടെ അശ്രദ്ധയ്ക്കു പരിഹാരമായിട്ടാണ് ലീഗൽ റിമംബ്രൻസർ ഈ നിയമംകൊണ്ടുവന്നിരിക്കുന്നതെന്നു പറയുന്നു. രണ്ടു ചക്രം ചെലവാക്കാതെ ഈ ഉദ്യോഗസ്ഥന്മാരുടെ അഴിമതികളെ അമർത്തുവാൻ കഴിയുകയില്ലെന്നാണോ ലീഗൽ റിമംബ്രൻസർ പറയുന്നതു?

MR. KOTTALIL P. ABRAHAM: രണ്ടു ചക്രം ക്ലാർക്കന്മാർക്കു കൊടുത്താൽ കക്ഷികൾക്കു കാര്യം സാധിക്കുകയില്ലേ?

MR. K. P. KOCHUKORA THARAKAN : കച്ചേരിയിലെ ക്ലാക്കന്മാർ കൈക്കൂലിക്കാരാണെന്നു ഞാൻ പറഞ്ഞുകഴിഞ്ഞു. ഈ നിയമം പാസാക്കുകയാണെങ്കിൽ അവൎക്കു കൃത്രിമം കാണിക്കുവാനുള്ള സൗകൎയ്യം ഒന്നുകൂടി വൎദ്ധിക്കുകയാണു ചെയ്യുന്നതു്.

MR. N. RAMAKRISHNA PILLAI : സിവിൽ കോടതികളിൽ സ്റ്റാമ്പു് ഇളക്കി എടുത്തതായിട്ടു് വല്ല കേസും ഉണ്ടായിട്ടുണ്ടോ?

MR. K. P. KOCHUKORA THARAKAN : അങ്ങനെ ധാരാളം പരാതികൾ ഉണ്ടായിട്ടുള്ളതായി അറിയാം. കേസ് ഉണ്ടായിട്ടുണ്ടോ എന്നു നിശ്ചയമില്ല.

MR. E. SUBRAMONIA AIYAR : ജഡ്ജിയുടെ മേശപ്പുറത്തു വച്ചിരുന്ന കടലാസുപോലും കാണാതെപോയിട്ടുള്ളതായി കേസുകൾ ഉണ്ടായിട്ടില്ലേ?

MR. K. P. KOCHUKORA THARAKAN : പ്രസിദ്ധപ്പെട്ട വട്ടിപ്പണക്കേസിലും ഇത്തരത്തിൽ ഒരു കേസുണ്ടായിട്ടുണ്ടു്. ഒടുവിൽ റോഡിൽ കിടന്നാണു ആ റിക്കാർഡുകൾ എല്ലാം കണ്ടെടുത്തതു് എന്നു പറയുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI : സ്റ്റാമ്പു് ഒട്ടിച്ചുകൊടുത്ത കടലാസുകൾ കാണാതായതിനെപ്പററി കേസുകൾ ഉണ്ടായിട്ടുണ്ടോ?

MR. K. P. KOCHUKORA THARAKAN : സ്റ്റാമ്പും കടലാസും ഒന്നിച്ചു കാണാതായിട്ടുള്ളതായി ധാരാളം പരാതികൾ ഉണ്ടു്.

MR. PUTHUPALLI S. KRISHNA PILLAI : വട്ടിപ്പണക്കേസിൽ അങ്ങനെ ഉണ്ടായി എന്നല്ലാതെ സൎവ്വസാധാരണമായി കോടതികളിൽ ഇത്തരം പരാതികൾ ഉണ്ടായിട്ടുണ്ടോ?

MR. K. P. KOCHUKORA THARAKAN : ഇതിനെപ്പററി ശരിയായി അനുഭവപ്പെടാൻ ഞാൻ ഒരു ലായറല്ലാത്തതുകൊണ്ടു് നിവൃത്തിയില്ല. വട്ടിപ്പണക്കേസിലായാലും ഏതു കേസിലായാലും ഇത്തരം പരാതികൾ ഉണ്ടാകാറുണ്ടു്. അതു് കൈക്കൂലിയുടെ ഫലമായാണെന്നു പറയാതെ തരമില്ല. അതുകൊണ്ടു് ഈ രണ്ടു ചക്രം സ്റ്റാമ്പൊട്ടിക്കണമെന്നുള്ള നിയമത്തിന്റെ ആവശ്യമില്ലെന്നാണ് എനിക്കു പറയാനുള്ളതു്.

കീഴുദ്യോഗസ്ഥന്മാർ, അതെ ഗവണ്മെന്റു ശമ്പളം വാങ്ങിക്കുന്ന ഉദ്യോഗസ്ഥന്മാർ, കൈക്കൂലി വാങ്ങിച്ചുകൊണ്ടു് അപേക്ഷകൾ മറച്ചുവയ്ക്കുകയൊ കളയുകയൊ ചെയ്യുന്ന ഏർപ്പാടു നിർത്തുവാൻ കക്ഷികളെക്കൊണ്ടു് നികുതി കൊടുപ്പിക്കുന്ന ഏർപ്പാടു വിചിത്രമായിരിക്കുന്നു. റവന്യൂ കോടതികളിലേയും പ്രിസൈഡിങ്ങ് ഉദ്യോഗസ്ഥന്മാരെ ഈവിധം

ഏർപ്പാടുകളിൽ ഉൾപ്പെടുന്ന കീഴുദ്യോഗസ്ഥന്മാരുടെമേൽ കർശനമായി മാതൃകാപരമായി ശിക്ഷണനടപടി നടത്തുന്നതായാൽ ഈവിധം അനീതികൾ നമ്മുടെ രാജ്യത്തുനിന്നും വിമാനവേഗത്തിൽ പുറത്തുപോയിക്കൊള്ളും. അങ്ങനെ ചെയ്യാതെ കീഴുദ്യോഗസ്ഥന്റെ അനീതിയേയും മേലുദ്യോഗസ്ഥന്റെ അപ്രാപ്തിയേയും ഈ രണ്ടുചക്രം സ്റ്റാമ്പ് ഒട്ടിപ്പിച്ചു നിർത്തിക്കൊള്ളാം എന്നു വിചാരിക്കുന്നതു് ഒരിക്കലും ശരിയായിട്ടുള്ളതല്ല. ഇതു് സാധുക്കളായ പ്രജാലക്ഷങ്ങളുടെമേൽ നികുതിഭാരം വർദ്ധിപ്പിക്കുകയും ആണു്. അതിനാൽ ഈ ബില്ലിന്റെ തത്വത്തോടു ഞാൻ എതിർക്കുന്നു.

MR. T. C. KESAVA PILLAI: സർ, ബില്ലിലെ തത്വത്തോടു ഞാൻ യോജിക്കുന്നു. വക്കീൽ ഫീസിനുള്ള സർട്ടിഫിക്കററ് സാധാരണ കൊടുക്കുന്നതു ൧൦-ാംദിവസമാണ്. എന്നിട്ട് ൧൫-ാംദിവസംതന്നെ കൊടുത്തു എന്നു പറയും. പണം വരാത്തതുകൊണ്ട് വക്കീൽ ഗുമസ്തന്റെ അടുക്കൽ കണ്ണു കാണിക്കുകയുംചെയ്യും. ഇക്കാര്യത്തിൽ കള്ളം ഇരുകൂട്ടരും ചെയ്യുന്നുണ്ട്. ഫീസ് രജിസ്റ്റർ എന്നൊരു രജിസ്റ്റർ ഉണ്ട്. വക്കീലായിട്ടും കക്ഷിയായിട്ടും സ്ററാമ്പുരജിസ്റ്ററിൽ വലിയ തകരാറുകൾ ഉള്ളതായി കാണുന്നില്ല. താലൂക്കുകച്ചേരികളിലും അതുപോലെ മററുള്ള ഇടത്തും സ്ററാമ്പു രജിസ്റ്റർ ഉള്ളതായി അറിയാം. അതുകൊണ്ടു ഇത്തരം അപേക്ഷകൾക്കു രണ്ടുചക്രം സ്ററാമ്പു ചുമത്തണമെന്നു പറയുന്നതിൽ വലിയ തെററില്ലെന്നാണ് എനിക്കു തോന്നുന്നതു്.

MR. E. SUBRAMONIA AIYAR: വക്കീലന്മാർ ഫീസ് വാങ്ങാതെ സർട്ടിഫിക്കററു കൊടുക്കുമോ?

MR. T. C. KESAVA PILLAI: ഹൈക്കോടതി വക്കീലന്മാർ അങ്ങനെ ചെയ്കയില്ലായിരിക്കും. എന്നാൽ മുൻസിഫ്കോടതി വക്കീലന്മാർ പലപ്പോഴും അങ്ങനെ ചെയ്യാറുണ്ട്.

MR. M. R. NARAYANA PILLAI: വക്കീൽഫീസിനു സർട്ടിഫിക്കററു കിട്ടുന്നതിനുവേണ്ടിയാണോ രണ്ടുചക്രം സ്ററാമ്പൊട്ടിക്കണമെന്നു പറയുന്നതു്?

MR. T. C. KESAVA PILLAI: വക്കീലിന്റെ രക്ഷയ്ക്കും കക്ഷിയുടെ രക്ഷയ്ക്കും വേണ്ടിയാണ്.

MR. N. RAMAKRISHNA PILLAI: I did not want to intervene in this debate but for the turn the discussion has taken.

PRESIDENT: But is not the matter more or less one of convenience or there is greater danger or greater liability if there is no stamp affixed?

MR. N. RAMAKRISHNA PILLAI: That is exactly my point. On principle it may not be proper for a representative to invite additional taxation. But in this particular instance for the safety of the client and for the convenience of the public the amendment proposed is good and hence I support it. It has been pointed out that there is no safety even if the stamp is affixed to the petition. I have not come across any case of stamps being purloined when petitions are presented in civil courts or that the head clerk responsible for cancelling the stamp and entering it in the accounts has not done his duty. It is not at all likely that any such malpractice will take place in the courts of law. There is no doubt of the additional safety guaranteed by the filing of stamped petitions. The additional imposition is, after all, a very small amount. The very smallness of the amount proposed appears to me to be an additional reason for supporting the Amendment Bill.

MR. E. SUBRAMONIA AIYAR: Suppose a man has to file thirty applications for a copy. Will it not be imposing a heavy burden of taxation on him?

MR. PUTHUPALLI S. KRISHNA PILLAI: Why should a man put thirty applications for a copy?

MR. N. RAMAKRISHNA PILLAI: It is not intended that on every application a party has to file in court, a court fee stamp has to be affixed. The proposal is to affix a two chuckrams stamp on an application for a copy of the judgment or the decree only. I am therefore in favour of the proposal to impose this small fee.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir, I also rise to oppose the principle involved in the proposed amendment. Amendments are sought to be effected in two sections of the existing Court Fee Act, *viz.*, one is to Clause (*e*) of Section 16 and the other to Schedule II of the Act. With regard to the first amendment I do not propose to add anything more than what has already been advanced by my learned friend Mr. E. Subramonia Aiyar. With regard to the second amendment the reason alleged for the amendment in the statement of objects and reasons is this:—

> "Complaints by applicants are also not infrequent that such applications are not properly posted in the registers kept for the purpose, but such allegations are never substantiated After careful consideration of the whole question Government have come to the conclusion that it would be in public interest if a small fee of 2 chuckrams is levied in respect of such applications also."

Sir, this is a very serious position. If Government cannot prevent such a danger or inconvenience by other means or in other words, if the Government are helpless to prevent such a state of affairs by any other means, we are prepared to agree to this course as a last resort. But there is no statement made in the statement of objects and reasons that other attempts have already been made in this direction for improvement. Then another ground on which I oppose this amendment is this Sir, a reading of Section 13 of the existing Court Fee Act shows that there are thirteen classes of documents or applications which are exempted from the payment of court fees and some of them

are applications by Government, namely, requisitions for copies of judgment and decrees, or orders or records in suits or proceedings, or objections to attachment of property in execution of decree when they are made by or on behalf of Government. Sir, no amendment is sought to be made with regard to these provisions which relate to the applications filed by Government. This shows that so far as Government are concerned everything is safe and no danger is apprehended and no diff culty is felt.. But the whole difficulty arises with regard to applications filed by private individuals. This shows unmistakably that two kinds of treatment are accorded by the public servants or employees in the Judicial Department, one sort of treatment to the non-official litigant public and another sort of treatment to Government matters. Sir, this is a very objectionable feature and I would strongly protest against such a course of conduct on the part of the public servants. If there was an attempt on the part of Government to make the necessary amendments with regard to all classes of documents or applications mentioned in Section 13 of the present Act, there would have been some justification or there would have been some kind of uniformity of policy so far as such applications are concerned. The present amendment cannct be accepted any way.

MR. N. RAMAKRISHNA PILLAI: ആവശ്യമില്ലാതെതന്നെ രണ്ടു ചക്രം സ്ററാമ്പു് ഒട്ടിച്ച അപേക്ഷകൾ കക്ഷികൾ കൊടുക്കാറില്ലേ?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: എനിക്കു് അതിനെപ്പററി നല്ല അറിവില്ല.

MR. PUTHUPALLI S. KRISHNA PILLAI: Has the honourable member ever filed a vakil's fee certificate with a two chuckrams stamp?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I have never filed a vakil's fee certificate with a two chuckrams stamp and there was no instance of a vakil's fee certificate missing for the last twenty six years of my professional career.

MR. N. RAMAKRISHNA PILLAI: രണ്ടുചക്രം സ്റ്റാമ്പു ഒട്ടിച്ചു കൊടുക്കുന്നതിൽ ആൎക്കെങ്കിലും പരാതിയുള്ളതായി മെമ്പൎക്കു് അറിയാമോ?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: അതിനെപ്പററി ഇവിടെ ഉണ്ടായിട്ടുള്ള പ്രസ്താവനകളിൽനിന്നുള്ള അറിവു മാത്രമെ എനിക്കുള്ളു.

Sir, I cannot therefore subscribe to the views expressed here that the Amendment Bill is intended to benefit the ordinary litigant public. I would therefore strongly oppose the general principle contained in the Bill under discussion.

MR. PUTHUPALLI S. KRISHNA PILLAI: If a vakil's fee certificate is made liable to be affixed with a two chuckrams stamp, will it not be possible to prevent fraud being practised?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: If all other methods fail n this direction, that will be the last attempt to be tried.

MR. KOTTALIL P. ABRAHAM : Supposing it is filed before the Sheristadar or the Head Clerk and when it is taken by the peon for registering, the stamp is taken out by the peon, in such cases can the trouble be overcome?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : It is only imaginary.

MR. E. P. VARGHESE Does not the person receiving the paper cancel the stamp?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : Yes, the head ministerial officer cancels the stamp.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I am really glad to say that the discussion has been most instructive. It is a matter on which much can be said on both sides and the honourable members seem to be divided in their opinions I have taken only one view and so far as I am concerned, Sir, the position is this. Of course one honourable member stated that for various reasons which I had not stated, he supports the Bill. I am indebted to him. Another member stated that I could have given a fuller statement of objects and reasons. To that extent I plead guilty. It is true that I did not state everything in regard to the vakil's fee certificate. In regard to that there are two points which might be emphasised. No doubt it is only a certificate and as a certificate it is not liable to be affixed with any stamp. Of course, that is the law in British India and that has been the law here. But we are forced to make a departure in this respect. Several members of the Bar for various reasons choose to affix a two chuckrams stamp on every certificate filed by them in contested cases.

MR. C. JEBAMONY NADAR : May I know the courts in which such a thing is being practised?

MR. PUTHUPALLI S. KRISHNA PILLAI : Munsiff's courts, District courts and the High Court. These are the three classes of courts of which I have experience.

MR. C. JEBAMONY NADAR : May I know the names of the particular courts?

MR. PUTHUPALLI S. KRISHNA PILLAI : Personally I had experience in four courts. I think the honourable member is asking about my personal experience. Those courts are the munsiff's courts and the district courts in Quilon and the district courts and the High Court in Trivandrum.

MR. C. JEBAMONY NADAR : I am not asking about the honourable member's personal experience. I am asking the honourable member with reference to the statement of objects and reasons stated here.

MR. PUTHUPALLI S. KRISHNA PILLAI : In all matters concerning the judiciary Government always act on the recommendations of the High Court and the honourable the High Court have made certain recommendations on this matter. Every member of the profession knows that a missing certificate is often accounted for by the latches of the advocate who is expected to file it or

of the court clerk who is to keep it. As pointed out by Mr. T. C. Kesava Pillai, it may be that the vakil has forgotten to file the certificate on the fifteenth day. In such cases what the vakil does is to throw the blame on the court clerk. It may be that it is a very keenly contested case and one party for the purpose of over-reaching the other may probably be able to influence one clerk or other for the purpose of suppressing it. I do not say that such cases are not probable.

MR. C. JEBAMONY NADAR: Has Government taken any action in such cases?

MR. PUTHUPALLI S. KRISHNA PILLAI: The difficulty in such cases is that it is not possible to lay hold on the person that is responsible. In the statement of objects and reasons I do not say what the courts have said and I take the blame for that myself. If a vakil does not file the certificate in time, he tries to throw the blame on the court clerk. Where is the register and where is the entry in it, if the certificate was filed? These are the counter-allegations. In a case in which there were strict orders to make a thorough enquiry into the matter, it was found to be a waste of time. What is there to show that the vakils themselves filed the certificates? They do not keep any register for the purpose. Again, it is not the vakil himself who takes these matters to court. It is his clerk that does it and very often the vakil relies upon his clerk. That clerk may be a veritable rogue but still to the vakil he is the most honest man.

MR. C. JEBAMONY NADAR: Is it not the practice in such cases to put in an application for excusing the delay and admitting the certificate?

MR. PUTHUPALLI S. KRISHNA PILLAI: I was coming to it. What does such an application cost to the party? An application for excusing delay must be affixed with a half-rupee stamp. Notice will be ordered to be served on the other party and there will be a few days' argument for which the vakil will have to be paid extra. Is this the way in which the honourable members of the profession want the thing to be done?

MR. E. SUBRAMONIA AIYAR: Can the honourable member enlighten us in regard to the number of complaints?

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I am not now in a position to say the exact number, but the number is certainly not very small. The difficulty is in finding out who is speaking falsehood, whether it is the vakil's clerk or the court clerk.

MR. E. SUBRAMONIA AIYAR: How many complaints have arisen?

MR. PUTHUPALLI S. KRISHNA PILLAI: Ever so many. We have also to take into account those cases in which the parties preferred to make no complaint.

MR. K. P. KOCHUKORA THARAKAN: അങ്ങിനെയുള്ള പരാതികൾ അഞ്ചു ശതമാനത്തിൽ കൂടുതൽ വരുമോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: അങ്ങിനെ ഉണ്ടാകുന്ന കേസ്സുകൾ അഞ്ചുശതമാനം അല്ല ഒരു ശതമാനമായാലും നാം അതു് ഗൗരവമായി വിചാരിക്കണമെന്നാണു് ഞാൻ പറയുന്നതു്.

MR. N. RAMAKRISHNA PILLAI: Is not the complaint very prominent?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. So far as I can say, It is and every member of the profession will admit that it is. That has been my experience. Why should we hide facts? My honourable friend Mr. T. P. Velayudhan Pillai said that till now even though he has been at the Bar for twenty six years, he has had no occasion to miss any certificate.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir, a word of personal explanation. I can assure my friend that for the last twenty six years, there was not a single instance of this kind in the Chengannur court.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I am very glad to hear that in Chengannur we get a better class of court clerks and vakils' clerks. Some places are like that and we should certainly feel thankful that there is at least one place in Travancore where everything in the court is beyond reproach.

MR. K. R. NARAYANAN: വക്കീൽ ഫീസ് സർട്ടിഫിക്കററ് അപേക്ഷകൾ സ്റ്റാമ്പു് ഒട്ടിക്കണമെന്നുള്ള വ്യവസ്ഥ ബ്രിട്ടീഷ് ഇൻഡ്യയിലൊ മററു നാട്ടുരാജ്യങ്ങളിലൊ ഉണ്ടോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: ഇല്ല എന്നു ഞാൻ പറഞ്ഞു കഴിഞ്ഞു. ഈ വ്യവസ്ഥ പുതിയതായിട്ടു് ഇവിടെ പ്രയോഗിച്ചു നോക്കുകയാണു്.

MR. K. R. NARAYANAN: ഇപ്പോഴും അത്യാവശ്യമുള്ളവക്കു് സ്റ്റാമ്പു് ഒട്ടിച്ചു കൊടുക്കുന്നതിനു എന്തെങ്കിലും നിയമതടസ്സം ഉണ്ടോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: തടസ്സമൊന്നും ഇല്ല. എന്നാൽ ഒരാൾ കൊടുക്കുകയും മറെറാരാൾ കൊടുക്കാതിരിക്കുകയും എന്തിനു ചെയ്യുന്നു?

MR. K. R. NARAYANAN: സംശയമുള്ളവർ കൊടുക്കട്ടെ, അല്ലാത്തവർ കൊടുക്കേണ്ട എന്നു വിചാരിച്ചാൽ പോരെ?

MR. PUTHUPALLI S. KRISHNA PILLAI: സംശയമില്ലാത്തവരെ രക്ഷിക്കാനാണല്ലോ നാം നോക്കേണ്ടതു്. രണ്ടു ചക്രം സ്റ്റാമ്പു ഒട്ടിച്ചപേക്ഷിക്കണം എന്നുള്ള ഒരു ചുമതല വക്കീലിനു് ഉണ്ടാകുന്നപക്ഷം കക്ഷികൾ അതുകൊണ്ടു് ഗുണം ലഭിക്കും എന്നു കണ്ടാൽ ഇതിൽ എന്താണു ആക്ഷേപം? പൊതുജനപ്രതിനിധികൾ ഇതിനെ എതിർക്കുന്നതാണു് എനിക്കു മനസ്സിലാക്കാൻ കഴിയാത്തതു.

MR. K. P. KOCHUKORA THARAKAN : വക്കീലിനു നോട്ട് എഴുതി കൊടുത്തുകൊണ്ടല്ലേ സർട്ടിഫിക്കററ് കൊടുക്കുന്നതു ?

MR. PUTHUPALLI S. KRISHNA PILLAI : ആയിരിക്കാം.

MR. K. R. NARAYANAN : വക്കീലന്മാരെക്കൊണ്ട് കക്ഷികൾക്ക് ഉണ്ടായിട്ടുള്ള ബുദ്ധിമുട്ടുകളെ സംബന്ധിച്ചു എന്തെങ്കിലും പരാതികൾ കിട്ടിയിട്ടുണ്ടോ?

MR. PUTHUPALLI S. KRISHNAPILLAI : ഇവിടെ കിട്ടിയിട്ടില്ല. എന്നാൽ പല വക്കീൽ അസോസ്യേഷനുകളിലും ഇത്തരം പരാതികൾ ലഭിച്ചിട്ടുണ്ട്.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know from the honourable member whether there was any instance in which an application made by Government for copies of judgment or decrees was missing ?

MR. PUTHUPALLI S. KRISHNA PILLAI : No. Whenever any matter is sent out, it is immediately entered in the despatch register and a notice is made and the officer in charge initials it. Is there any instance in which such a record is maintained by a vakil? No. But in the case of Government it is different and certain forms and formalities have to be observed and that is the guarantee. When an application is filed by a Government pleader, no person can say that it has not been filed because in the first place there is a register that is maintained for the purpose and it would be as good as any other register or record.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know from the honourable member whether it would suffice if a circular is issued by the honourable the High Court to all subordinate courts asking the vakils practising in those courts to maintaining a register for filing vakil fee certificates ?

MR. PUTHUPALLI S. KRISHNA PILLAI: That will not be sufficient protection. There are vakils and vakils and my friend is thinking only of the Chengannur vakil or the Chengannur vakil's clerk. We must remember that there are at least thirty-nine other courts in Travancore.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I refer to all the courts in Travancore.

MR. PUTHUPALLI S. KRISHNA PILLAI: I can read out half a dozen rules from the Civil Courts Guide which direct that a vakil practising in a Civil Court shall maintain a register of all cases in which he appears and get an endorsement from the presiding judges in all such cases. For nineteen years I had been a lawyer but I had not been able to do that.

MR. K. R. NARAYANAN : വക്കീലന്മാരെക്കൊണ്ടു കക്ഷികൾക്കുണ്ടായിട്ടുള്ള ബുദ്ധിമുട്ടുകളെ സംബന്ധിച്ച് എന്തെങ്കിലും പരാതികൾ കിട്ടിയിട്ടുണ്ടോ?

MR. PUTHUPALLI S. KRISHNA PILLAI : ഇവിടെ കിട്ടിയിട്ടില്ല. എ ന്നാൽ പല വക്കീൽ അസോസ്യേഷനുകളിലും ഇത്തരം പരാതികൾ ലഭി ച്ചിട്ടുണ്ട്.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know which Association has done that ?

MR. C. JEBAMONY NADAR : Is there any reference about it in the Administration Report ?

MR. PUTHUPALLI S. KRISHNA PILLAI : So far as the public are concerned I do not think there is much complaint. So far as the Advocates are concerned they seem to think that it is a fresh levy on their purse. That seems to be the misunderstanding. But a good many entertain the feeling that it will be to the ultimate advantage of the people that such a small levy is made. Mr. Sivathanu Pillai asked me whether Panchayat Court Judges are not taking away the stamps. We are not now dealing with the question of the Panchayat Courts. We are dealing with the Civil Courts. These applications are filed before the head ministerial Officer. The rule says that immediately he receives an application he should cancel the stamp and make a simultaneous entry in the register kept for the purpose, so that a minute after the application is filed before the Head Clerk you find a record of the filing. There will not be any possibility of any complaint by any party or any shoving of responsibility by one upon the other. The object behind this bill is not taxation. The honourable member seems to be under the impression that the Government are for taxation. It is not so. We want to make the judicial administration as thorough and as complete as possible.

MR. K. P. KOCHUKORA THARAKAN: അങ്ങനെയാണെങ്കിൽ രണ്ടുചക്രം സ്റ്റാമ്പിനുപകരം രണ്ടുകാശു സ്റ്റാമ്പ് ഏർപ്പെടുത്തിയാൽ പോരെ?

MR. PUHUPALLI S. KRISHNA PILLAI: അപ്പോഴും സ്റ്റാമ്പ് റെഗുലേഷൻ തന്നെ മാറേണ്ടിവരും. അതു പ്രയാസമാണ്.

We do not say that the fee shall be half a rupee for each application. It is only to remove the longstanding complaints that this bill has been brought forward. As I said, there are several Advocates who affix two chuckrams stamps on some of the certificates filed by them. Though it is not done in all cases, in important cases where the value of the suit is high, the stamp is affixed. There is no doubt about that. As regards the other question of amending the Court Fees Act, I have sufficiently explained the object. Mr. Subramonia Aiyar said that the small cause suit is the poor man's suit. I beg to differ. It is the hundi merchants, the bankers and the traders that have a large number of small cause suits. As a matter of fact it is not the poor man who is benefited. A poor man may perhaps have one or two suits in the course of his life time.

MR. M. SIVATHANU PILLAI: Is he not sued very often ?

MR. PUTHUPALLI S. KRISHNA PILLAI : I doubt.

MR. K. P. ABRAHAM : Is not the poor man to suffer ?

MR. PUTHUPALLI S. KRISHNA PILLAI : If he wins he will get his costs.

MR. C. JEBAMONY NADAR: Will the honourable member at least accept the suggestion of reducing the court fees?

MR. PUTHUPALLI S. KRISHNA PILLAI: I accept that it is a reasonable proposition. But I cannot bring it forward now. If the honourable member brings forward a bill we can consider it.

MR. M. SIVATHANU PILLAI: Will the honourable member assure the House that he will not oppose it?

MR. PUTHUPALLI S. KRISHNA PILLAI: I cannot enter into any such undertaking.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Can such a bill be brought forward without the sanction of Government?

MR. PUTHUPALLI S. KRISHNA PILLAI: All those questions will arise only when a bill is brought forward. Now we have no such bill before us.

My submission is that there can be no objection in accepting the principle of the bill and then referring it to a select committee.

MR. M. SIVATHANU PILLAI: I do not think the opposition has to be taken into consideration because there is no opposition.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: Mr President, Sir, some honourable members on the other side seem to entertain a misapprehension in regard to the scope and object of the Bill now under discussion. The honourable member, Mr. Subramonia Aiyar, was rather apprehensive that the poor litigant would have to bear a heavy burden if he is asked to affix court fee stamps to the value of two chuckrams to applications for copies of judgment or orders in non-appealable cases. But as was pointed out by him, Government do not intend to levy any court fee on applications for adjournments or interlocutary applications filed in the course of proceedings. The small litigant will be really affected only if the Government were to impose the obligation of payment of court fee on such applications. When once a judgment or order is passed it is to the interest of the litigant himself that he gets a copy in time in order to seek his remedy in revision or review or other appropriate proceedings. A period of limitation is prescribed for such proceedings. I may say for the information of honourable members, who are not perhaps advocates, that complaints have very often been made that applications which have been made in time were not forthcoming. On many occasions applications for excusing delay have been put in before the revisional courts on the ground above stated and action had to be taken against such complaints. In the interests of the very litigants, in whose behalf my honourable friend Mr. Subromonia Aiyar pleaded so strongly before this House, I would submit that it is necessary that we accept the present proposal which is only, if I may say so, of a character intended more to safeguard the litigants' interests than to derive any revenue.

It has been pointed out here that so far as Government are concerned certain exceptions have been made. In the first place, I may with great respect, point out that there is no necessity for any such procedure being adopted in the case of proceedings to which Government

[Rajyasevapravina G. Parameswaran Pillai.]

are a party. I may also say that in regard to the vakils fee certificates many cases have come to my notice both as a vakil and as a Judge when advocates do take particular care to affix the two chuckrams stamps on applications filed before courts.

MR. E. SUBRAMONIA AIYAR: As an advocate, has the honourable member ever affixed two chuckrams stamps in such documents?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: Yes, I may have done so. Whatever that be, it has come to my notice that vakils have been following that practice. Further I may say that applications for excusing delay in fixing vakil fee certificates have been stated to have been suppressed. My own impression is that this is a matter which does not admit of so much controversy for the simple reason that the idea behind the Government is not so much to impose a fresh burden on the poor man as to forward his own interests. For these reasons I support the principle of the Bill introduced by the Legal Remembrancer.

MR. KOTTALIL P. ABRAHAM: May I know, who will pay for the stamp? Is it the advocate or the client?

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI: The person benefited thereby will naturally pay for it.

PRESIDENT: What is the Legal Remembrancer's opinion on the bill?

MR. PUTHUPALLI S. KRISHNA PILLAI: The bill may be read in the Assembly. If that motion is adopted, I will move the motion for referring the bill to a select committee.

PRESIDENT: The question before the House is that the Travancore Court Fees Act (Amendment) Bill be read in the Assembly.

The motion was put and carried.

The Secretary read the title of the Bill.

"THE TRAVANCORE COURT FEES ACT (AMENDMENT) BILL".

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that the Travancore Court Fees Act (Amendment) Bill may be referred to a select committee consisting of the following members:—

Messrs. S. Chattanatha Karayalar,
K. C. Karunakaran,
T. C. Kesava Pillai,
K. P. Kochukora Tharakan,
A. K. Kumaran Vaidyan,
P. Kunjukrishnan,
P. V. Mathai Chemparathy,
P. S. Mahomed,
M. R. Narayana Pillai,
K. R. Narayanan,
D. C. Joseph,
N. Ramakrishna Pillai,
T. P. Velayudhan Pillai, and
Puthupalli S. Krishna Pillai.

MR. A. LEKSHMINARAYANA AIYAR : I second it.

The motion was put and carried. The Bill was referred to the Select Committee.

THE VILLAGE PANCHAYAT COURTS ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI : I rise to introduce the Panchayat Courts Act (Amendment) Bill and beg to move that the Bill be read in the Assembly. I have already explained the need for such a bill in connection with the other Bill just now referred to a select committee. This is cnly a consequential amendment arising from the introduction of the other Bill. I move that the Bill be read in the Assembly.

The question that the Bill be read in the Assembly was put and carried.

The Secretary read the title of the Bill.

"THE TRAVANCORE VILLAGE PANCHAYAT COURTS ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI : I beg to move that the Bill may be referred to the Select Committee composed of the same members as on the previous Bill.

MR. A. LEKSHMINARAYANA AIYAR : I second it.

The motion was put and carried. The Bill was referred to the Select Committee.

THE TRAVANCORE INCOME TAX (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir I rise to introduce the Travancore Income Tax (Amendment) Bill and beg to move that the Bill be read in the Assembly. It is one of the shortest bills ever placed before this House. From the statement of objects and reasons the honourable members may think that I have taken very great pains to explain such a short bill. At present income from agricultural operations on land is altogether free from income tax irrespective of whether such land has been assessed or not to Sircar tax. In British India agricultural income is exempt from income tax only if it arises from land assessed to Government revenue. One reason why such exemption is made is due to the fact that land tax is based on the income from such land. In one sense therefore the income from such lands is assessed to tax and it may be double tax if a further levy is made under the Income Tax Act. Such a plea cannot be available in respect of land on which no land tax is levied. It is the duty of every person to contribute something to the general revenues of the State for the protection the State affords him. It ought not to be understood that the income from

[Mr. Puthupalli S. Krishna Pillai]

land is sacred and therefore should not be made assessable to tax merely because it arises from the cultivation of land. Some people seem to be under the impression that income arising from land is very sacred because Travancore is an agricultural country and that no man should be taxed on income from his land.

There are already large extensive tracts of land in Travancore that are being cultivated and made to yield large incomes but in respect of which no tax is paid to Government by such land owners. Honourable members do know very well that an ordinary cultivator of Pandarapattom lands has to contribute at least a small fraction of his income to the general revenues of the State. A man who owns five cents of Pandarapattam land at least gives four chuckrams to the State. But a man who owns over 1000 acres of lands in the above tracts enjoys all the amenities available to his tax-paying brother but at the same time escapes assessment for the reason that the Income Tax Act does not apply.

MR. P. SIVARAMA PILLAI: May I know, does he not pay something to some body?

MR. PUTHUPALLI S. KRISHNA PILLAI: If the land belongs to the Jenmi, he pays something by way of rent. But that is not a payment to Government. Income tax affects only people who get more than Rs. 2,000 by way of income. It does not affect an ordinary man who owns one acre of land which is tax free. The main argument on which the present bill is based is that if a man gets more income from his land, why not such a man be asked to contribute something to the general revenues of the State like the Pandarapattom land owner?

MR. P. KUNJUKRISHNAN: Then, may I know, what will be his position when that person pays professional tax?

MR. PUTHUPALLI S. KRISHNA PILLAI: The point for consideration is what does he contribute to the general revenues of the State? What is the *quid pro quo* for the services he gets from the State?

MR. M. SIVATHANU PILLAI: May I know, which kind of tax will the person prefer to pay, land tax or the income tax?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is not a question of preferring to pay anything by way of tax. Tax is something which the Government will demand.

MR. M. SIVATHANU PILLAI: My point is which tax will be easier for them to pay?

MR. PUTHUPALLI S. KRISHNA PILLAI: If the lands are assessed and the persons are compelled to pay in accordance with the proposals adopted during the last Settlement the proposals now put forward will be more advantageous. The cultivator who owns small acres of lands will not be taxed. It is only the rich man who will be asked to pay.

MR. M. SIVATHANU PILLAI: Does the honourable member think that there are many from whom such tax could be collected?

MR. PUTHUPALLI S. KRISHNA PILLAI: This amendment bill will affect persons who own hundreds of acres and not the small owners of tax free lands.

MR. M. SIVATHANU PILLAI: May I know how such persons were left out from being taxed even though they were owning more than hundreds of acres?

MR. PUTHUPALLI S. KRISHNA PILLAI: Due to historical reasons, such a state of affairs was brought about. I will be provoking controversy if I am asked to go into the historical reasons of those circumstances. I presume every honourable member knows about the facts which have led up to this state of affairs. I assume that every member of this House knows the general condition of the country.

MR. DOMINIC JOSEPH: May I know the particular classes of land which are not now assessed by Government?

MR. PUTHUPALLI S. KRISHNA PILLAI: Jenmom lands and Edavagai lands, these I think are the main groups under which they fall. In the case of Jenmom lands the tenants pay some sort of income to Government. Government levy a Rajabhogam. Even such lands are not taken into consideration. But there are thousands of acres of land in respect of which no tax, not even a pie, is given to Government. It is only such lands and persons who are in possession of such lands that are now called upon to pay income tax to Government.

MR. C. JEBAMONY NADAR: Then why not impose a land tax on such lands also?

MR. PUTHUPALLI S. KRISHNA PILLAI: This House has accepted the principle that a man should be taxed not on the extent of his possession but to the extent of his income. This House had occasion to discuss the matter. As a matter of fact, one honourable member advocated and the majority of the members supported the principle that we must do away with the present system of levying tax on lands and impose it on his income.

MR. M. SIVATHANU PILLAI: But has that been accepted and acted upon by Government?

MR. PUTHUPALLI S. KRISHNA PILLAI: I am now speaking about a principle which appeals to the members of the House.

MR. C. JEBAMONY NADAR: What justification is there then to thus differentiate between agricultural holdings in the State?

MR. PUTHUPALLI S. KRISHNA PILLAI: This an amendment to the Income Tax Act which seeks to assess people who are earning income above a certain amount. This is an Act for the purpose of imposing tax on persons who are getting large income. That is all the difference between the income tax and land tax.

MR. K. P. KOCHUKORA THARAKAN; ഏതു തരത്തിലായാലും ഇങ്ങനെയുള്ള ഇൻകംടാക്സ്കരം അവസാനത്തിൽ ആരുടെ തലയിലാണു് കൊള്ളുന്നതു്?

MR. PUTHUPALLI S. KRISHNA PILLAI: That is the case with all tax. We levy customs duty at the frontier. Who is it that is affected ultimately? It is the man who buys the article. It will go to affect people who have nothing to do with it. That is generally the case with the incidence of all taxes. The man who buys is the man who ultimately pays it. There is no doubt about it.

MR. K. P. KOCHUKORA THARAKAN: ഭൂനികുതി ജന്മി കൊടുക്കുകയും ഇൻകംടാക്സ് കുടിയാനവന്മാർ കൊടുക്കുകയും ചെയ്യുവാനല്ലേ ഇടയുള്ളു?

MR. PUTHUPALLI S. KRISHNA PILLAI: The man who derives income from his land must be the man who pays. There are men who have no permanent occupancy right on these lands. They make enormous profits out of these lands. They are asked to pay only out of the income from those lands. In my opinion a man who gets Rs. 2,000 as income from land must be deemed to be making enormous income. A man who gets Rs. 200 or 175 a month out of land is really a rich man. It is only in that sense that I used the word enormous.

MR. DOMINIC JOSEPH: Does not the man who holds lands in the Edavaga and pays tax to the Edavaga Chief correspond to the man who pays land tax to Government?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, it does not. Does it go to the Government Treasury? Government can administer the State and give amenities to the people only if it has money.

MR. DOMINIC JOSEPH: Is not the land tax payable to the Edavaga Chief fixed by Government by the Edavagai Act?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, so that there may not be any cutting of throats between one tenant and another.

MR. KAINIKKARA M. PADMANABHA PILLAI: Are there not two persons in such cases deriving income from the same plot of land?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes.

MR. KAINIKKARA M. PADMANABHA PILLAI: Should not both of them pay?

MR. PUTHUPALLI S. KRISHNA PILLAI: No.

MR. KAINIKKARA M. PADMANABHA PILLAI: Then who should pay?

MR. PUTHUPALLI S. KRISHNA PILLAI: The man who gets the profit.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is it to be paid by the owner or the tenant?

MR. PUTHUPALLI S. KRISHNA PILLAI: Tax has to be paid on the income derived from the land.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know whether the Chief is getting more or less after the passing of the Edavagai Act?

MR. PUTHUPALLI S. KRISHNA PILLAI: Anyhow they are owed something.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is the Edavagai Bill more in favour of the tenant or the Chief?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is in favour of the tenant. No doubt, no legislation can be one-sided. Some provisions are in favour of the tenant and others in favour of the Chief.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is the Edavagai Chief better off or worse after the passing off the Edavagai Act?

MR. PUTHUPALLI S. KRISHNA PILLAI: Some of them look much better.

MR. KOTTALIL P. ABRAHAM: May I know the probable income that the Government will derive by the passing of this legislation?

MR. PUTHUPALLI S. KRISHNA PILLAI: There may not be much. But Government are fighting for a principle.

MR. M. SIVATHANU PILLAI: What is the objection to proceed on the excess profits basis?

MR. PUTHUPALLI S. KRISHNA PILLAI: It could not be done on account of historical reasons.

MR. M. SIVATHANU PILLAI: Why not do it now?

MR. PUTHUPALLI S. KRISHNA PILLAI: We have to respect old agreements and customs. This aspect does not refer to the question of imposition of land tax on properties. What Government have said is only that they will not impose any land tax. But any person who derives income of more than Rs. 2,000 will come under the purview of the Bill.

MR. KAINIKKARA M. PADMANABHA PILLAI: So, are the Government to keep their word and break in the meaning of it?

MR. PUTHUPALLI S. KRISHNA PILLAI: By a definition of the Income Tax Act only those persons whose income come to Rs. 2,000 are proposed to be included within the purview of the Bill.

MR. KAINIKKARA M. PADMANABHA PILLAI: So are we to take it that the definition should be given its full meaning?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes.

MR. KAINIKKARA M. PADMANABHA PILLAI: Then does it not go against the old historical reason?

MR. PUTHUPALLI S. KRISHNA PILLAI: The Act does not provide for it. The Edavagai or the Jenmi Kudiyan Act does not provide for the imposition of land tax as such.

MR. KAINIKKARA M. PADMANABHA PILLAI: Why not the Legal Remembrancer make appropriate amendments in those Acts?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is for convenience. Then a large class of poor tenants in Travancore will be compelled to contribute to the general revenue of the State. I have no objection to that proposal. The incidence of taxation must be distributed amongst all alike. Does the honourable member agree to that?

MR. M. SIVATHANU PILLAI: May I know why when introducing the Income Tax Bill this was omitted?

MR. PUTHUPALLI S. KRISHNA PILLAI: Every legislation will be amended when the time comes,

MR. K. P. KOCHUKORA THARAKAN: എന്നാൽ പിന്നെ എന്തുകൊണ്ടു് രണ്ടായിരം രൂപാ എന്നതിനു പകരം ആയിരം രൂപ എന്നാക്കുന്നില്ല?

MR. PUTHUPALLI S. KRISHNA PILLAI: അതുകൊണ്ടാണു്, സാധുക്കളെ ഈ നിയമം ബാധിക്കുകയില്ല എന്നു ഞാൻ പറഞ്ഞതു്.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Is not income tax paid at present by the Edapally Chief on the income they obtain in the shape of Edavagai dues?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes.

MR. S. KRISHNA AIYAR: In the original Bill of 1096 were not these ideas embodied which were subsequently amended by the Select Committee?

MR. PUTHUPALLI S. KRISHNA PILLAI: There is such an unfortunate history about these lands.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Was this aspect of the question considered by the High Court in the Income Tax Revision Cases?

MR. PUTHUPALLI S. KRISHNA PILLAI: They were considered. Though the principle underlying this Bill and that underlying the British Indian Act is different, there is some comparison between the British Indian Act and the Travancore Act. Now we are going to make our law on a par with the British Indian Enactment.

PRESIDENT: The House will now adjourn to meet again to-morrow at 11 O' clock.

The House adjourned at 5. 5 P. M.

Trivandrum,
4th December 1941.

V. S. ARUMUKHOM PILLAI,
Secretary to the Sri Mulam Assembly.